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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD

Tuesday, January 8, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

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I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Consideration of Appeals

A. 120/122 Coleridge

B. 401-411 Cole/1907-1911 Oak St.

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

15 p.m. 1. 80- 7th Ave. (reopened from 10/16/84)

VIII. Old Business

1. Stonestown appeal consideration (continued from 12/18/84)
2. Commissioners' Retreat

IX. New Business

X. Appeal Hearing

0 p.m. 1. 735/737 Monterey (original consideration 12/4/84)

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment

12/20/84:ap

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, January 8, 1985 at 5:30 p.m. at the State Building  
350 McAllister St. #1158

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# 2

1/8/85

I. Call to Order

Vice-President Chinchilla called the meeting to order at 5:33 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall, Payne

Commissioners not Present: Astle, Moy, Jackson

Staff Present: Hernandez, Vitrano

Commissioner Carrico came on the record at 5:40 p.m. Commissioner Chan came on the record at 5:59 p.m.; Commissioner Chan went off the record at 7:21 p.m.

III. Approval of the Minutes

MSC: To approve the minutes of December 18, 1985<sup>4</sup>  
as amended with the following correction:  
Page 2 should read "pest extermination."  
(Alviar/Payne:4-0)

IV. Consideration of Appeals

A. 120/122 Coleridge

Both the tenant and the landlord appealed the Hearing Officer's decision. Tenant alleged that the Hearing Officer did not properly deal with the issue of deferred maintenance and further claimed that written evidence and testimony was omitted from the Findings of Fact. Landlord alleged that the Hearing Officer did not take into consideration that the capital expended for the improvements was intended to create better living and safety conditions for the tenants.

MSC: To excuse Commissioner Marshall from this consideration. (Payne/Alviar: 4-0)

MSC: To deny the tenants' appeal. (Payne/Alviar:3-0)

MSF: To accept the landlords' appeal and remand to a new Hearing Officer for a de novo hearing (Payne/Carrico:2-2; Alviar and Chinchilla dissenting)

It was the consensus of the Board to postpone a discussion on this matter until the next regularly scheduled meeting on January 15, 1985.

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B. 401 - 411 Cole / 1907-1911 Cole

Tenants appealed the decision of the Hearing Officer alleging that the Hearing Officer made factual errors and abused his discretion.

MSC: To remand the case back to the same Hearing Officer with the following specific conditions and corrections:

1. To allow more time for testimony.
2. To re-examine the issue of management and management fees.
3. The tenants' filing fees and
4. To re-consider the one unit's problem with the bathroom (Marshall/Alviar: 4-0)

V. Old Business

1. Stonestown appeal consideration (continued from December 18, 1984)

Landlord appealed Hearing Officer's disallowance of two petitioned-for capital improvements, which Hearing Officer characterized as operating and maintenance/repair expenses. At issue were aerial photographs used for installing a lawn sprinkler system and the replacement of 20 percent of the sewer system pipe.

The Board voted 2-2 on December 12, 1984 to remand the case to a new Hearing Officer on the photo and sewer issues. Due to the deadlock, the Board put the case over to the next meeting to try to break the tie.

MSF: To accept the case at the Board level on the issues of the photo and sewer lines (Payne/Carrico:2-3; Alviar, Chinchilla, Marshall dissenting).

MSC: To deny the landlord appeal (Marshall/Alviar: 3-2; Payne, Carrico dissenting)

VI. Appeal Hearing

1. 735/737 Monterey  
(original consideration December 4, 1984)

The hearing convened at 6:20 p.m. Present was Joe A. Koopman, landlord, who appeared in pro per, and the tenant Jung Sook Rand and her attorney Andrew H. Lange.







Landlord appealed Hearing Officer's decision on remand that was limited to the rent increases of 1983. Landlord had given an over-the-guideline amount, and the parties disagreed as to whether or not they had negotiated a "settlement" agreement to include costs of capital improvements. Hearing Officer found the increase to be null and void. Landlord maintained that this increase was imposed pursuant to a compromise offered by tenant's attorney.

At the hearing before the full Board Mr. Koopman reviewed the history of the building and encapsulated the situation with tenant Rand. Attorney Lange testified on behalf of Ms. Rand that the capital improvement pass-through constituted double recovery and should be considered improper. The hearing concluded at 7:09 p.m.

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Upon the closing of the hearing, discussion among the commissioners ensued. It was the consensus of the Board to allow the parties one week to work out a settlement. Attorney Lange and Mr. Koopman will advise the staff of the Rent Board as to the terms and conditions of any settlement prior to the next meeting on January 15, 1985.

2. 80-7th Avenue (originally considered on October 16, 1984)

This hearing convened at 7:29 p.m. Present were the tenants Janice Levy and Maurice Bohler and the landlord John Vida.

At the Rent Board Commission meeting of October 16, 1984, the Commissioners heard the eviction cases for the above address. As part of their written decision, they voted to keep the case under submission for 90 days so that they could reopen the hearing if problems arose.

It was brought to the Board's attention at their December 4, 1984 meeting that possible noncompliance of the decision by the landlord had occurred. The Board members voted to reopen the hearing to determine if further action should be taken.

Tenants Levy and Bohler offered testimony with regards to attempting to prove the landlord's practice and pattern of evicting and harrassment. Landlord Vida countered that the Rent Board has no jurisdiction over garages and that he fully intends to abide by the Hearing Officer's decision which awarded the tenants a \$60.00 per month reduction in rent based on the tenant's parking spaces being taken away.





The Board went into executive session to further discuss this case at 8:00 p.m.

The regular session reconvened at 8:00 p.m.

MSC: To refer this case to both the District Attorney and City Attorney for investigation and possible prosecution, and to make this case the first case the new eviction unit investigates. (Payne/Marshall:4-0)

## VII.

Communications

- A. The Board received from Deputy City Attorney Rick Judd a memo regarding the Writ of Mandate in the Golden Gateway case.

MSC: To accept the following motion:

This board, on behalf of the City and County of San Francisco, having been ordered by the Superior Court for the City and County of San Francisco to set aside the City's decisions dated March 8, 1983 and March 18, 1983 concerning certification of rent increases for capital improvements at 405 Davis Court and 155 Jackson Street, and 550 Battery Street, respectively, therefore ORDERS that said decisions be set aside. (Payne/Alviar: 5-0)

- B. A letter from Attorney Barry Stubbs concerning the Stonestown case was received and acknowledged by the Board.
- C. A letter from Louis Dickson pertaining to the Stonestown situation was received and acknowledged by the Board.
- D. A letter from Philip Karp outlining concerns regarding the transfer of title of homes in San Francisco was received and acknowledged by the Board.
- E. A letter questioning the Board's jurisdiction in considering on appeal of an eviction case will be dealt with next week, January 15, 1985.

## VIII.

Director's Report

- A. The retreat for the Board was discussed and the following motion was accepted:





MSC: To postpone the retreat and the election of Board President and Vice-President. The retreat is to be scheduled for Saturday, February 2, 1985 and the Board election will occur on Tuesday, February 5, 1985. (Alviar/Carrico: 5-0)

Old Business

- A. A letter from Vice-President Chinchilla was given to the commissioners. The letter was in reference to limiting the evidence pertaining to an upcoming hearing before the Board.

IX. Calendar Items: January 15, 1985  
6 appeal considerations  
1 appeal hearing  
January 22, 1985  
3 appeal considerations

X. Remarks From the Public

- A. Connie Braden requested that extra copies of the Board's minutes be made available to the public. Ms. Braden also requested clarification regarding the Board's policy on private agreements between landlords and tenants. In addition Ms. Braden asked Commissioner Carrico to clarify and expand his statements in relation to comments made concerning rent increases and possible displacement of tenants in the Monterey Street case which was heard earlier by the Board.
- B. Michael Watrus from 645 Leavenworth Street commended the Commissioners for the way 80-7th Avenue was handled.
- C. Ted McCalla, speaking as an individual, addressed Ms. Braden's comments on the Monterey case; the minutes of December 18, which Mr. McCalla stated should have reflected Ms. Braden's remark that the Board be encouraged to expand their use of the remedies available under the rent law because many tenants cannot afford further remedies in court; and the delay in the Board's retreat.

XI. Adjournment

Vice President Chinchilla adjourned the meeting at 8:32 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

TUESDAY, JANUARY 15, 1985 AT 5:30 P.M.

\*\*\*\*\*

STATE BUILDING, 350 McALLISTER ST. # 1158

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AGENDA

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- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

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- A. 1416 Grant Ave.
  - B. 544 Church
  - C. 123 Joice
  - D. 3006 Gough
  - E. 2915 Taraval #3
  - F. 1634 Haight

V. Communications

VI. Director's Report

VII. Old Business

- A. 120/122 Coleridge (Continued from January 8, 1985)
  - B. 735/737 Monterey - report on settlement efforts

VIII. New Business

IX. Appeal Hearing

6:00 P.M. 1. 4096 - 17th St. #305 (original consideration:12/11/84)

X. Calendar Items

XI. Remarks from the Public

XII. Adjournment





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, January 15, 1985  
at 5:30 p.m. at the State Building, 350 McAllister St. #1158

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15/85  
I. Call to Order

Vice-President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Astle, Chan,  
Commissioners not Present: Payne, Moy  
Staff Present: Hernandez, Wicks

Commissioner Jackson appeared on the record at 5:37 p.m.;  
Commissioner Carrico appeared on the record at 5:43 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 8,  
1985, with the following correction: P.  
4, Section VI (2): "The regular session  
reconvened at 8:10 p.m."  
(Alviar/Marshall: 4-0).

IV. Consideration of Appeals

A. 1416 Grant Ave. #27

Landlord appealed Hearing Officer's decision that disallowed a \$25.00 increase imposed one month after tenant moved in. Previous landlord rented the unit at a lower rent just before transfer of the property through sale. Current landlord maintained that the previous owner was not authorized to rent the unit since the property was being sold, and that he rented it at the incorrect amount. Landlord protested that Hearing Officer had based her decision on evidence received from tenant after the record closed. He further maintained that tenant's recourse was against the old owner. Hearing Officer noted that evidence received after the record closed did not enter into the decision.

MSC: To uphold the Hearing Officer and deny the appeal. (Alviar/Marshall: 4-0).

B. 544 Church St. #302

Landlord appealed Hearing Officer's decision awarding tenant a \$45.00 decrease in service award for loss of garage

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FEB 24 1986

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space. Tenant had use of the garage since his initial tenancy and for approximately six years. When landlord requested an additional \$45.00 for use of the garage, tenant vacated the space. Hearing Officer awarded that sum until such time as the garage space was restored. Landlord appealed, stating that he got no written notice of the hearing and did not know about it until he received a courtesy call from the Hearing Officer after the hearing was scheduled to begin.

MSC: To remand the case to the same Hearing Officer for another hearing.  
(Alviar/Jackson: 4-0).

C. 123 Joice St.

Landlord appealed Hearing Officer's disallowance of certain petitioned-for capital improvement costs. The Estimator had found some of the work to be deferred maintenance and recommended disallowing these costs; Hearing Officer concurred. Hearing Officer further found one tenant's deferred maintenance arguments persuasive and did not allow several other expenses on that basis. Landlord felt that some of the expenses should have been certified and that the deferred maintenance argument was not appropriate for some of the work.

MSC: To accept the case at the Board level on the issues of the new roof, water heater, and failure to maintain and repair. (Marshall/Alviar: 5-0).

D. 3006 Gough St.

Tenant appealed Hearing Officer's recommendation that no action be taken in a case of alleged wrongful eviction. A partnership of family members and friends purchased a twelve unit building and issued eight eviction notices for occupancy by some of the owners and their approved relatives. Tenant alleged that the owners had occupied another building and converted it to condominiums, which they sold; tenant believed this suggested a pattern of circumventing the Subdivision Code. Hearing Officer suggested that the case be forwarded to the Department of Public Works to investigate possible violation of the Condominium Ordinance but found no violation of the Rent Ordinance.

MSC: To take no action on this case at the present time. (Jackson/Alviar: 5-0).





E. 2915 Taraval #3

Landlord appealed the determination of Hearing Officer that refunded an over-the-guideline increase which had not been petitioned for. Tenants had a child in 1982; new owners gave a rent increase for the child when they bought the building approximately eight months later. Hearing Officer referred to the Rent Board policy decision that disallows rent increases for newborns. Landlord's appeal stated that he needed the extra money to meet his mortgage payments.

MSC: To deny the appeal and uphold the Hearing Officer. (Marshall/Alviar: 5-0).

F. 1634 Haight St.

Landlord appealed ruling of the Hearing Officer which refunded rent increases given for 1983 and 1984. The 1983 increase was both above the guideline amount and given a month early; the 1984 increase was above the guideline amount. Hearing Officer found both improper increases null and void. Landlords admitted that their ignorance of the law resulted in the improper increases but felt that equity suggested the one month early increase should be honored.

MSC: To uphold the Hearing Officer and deny the appeal. (Marshall/Alviar: 4-1; Commissioner Carrico dissenting).

V. Communications

- A. Appeals Attorney Alicia Wicks distributed a memo to the Commissioners concerning a request for postponement of the appeal hearing at 4096- 17th Street. The Commissioners agreed to an approximately thirty day continuance. They directed the staff to provide the tape of the hearing and to verify that the tenants have, in fact, paid the amount the Hearing Officer allowed them to deduct.
- B. Both sides from the appeal hearing at 735/737 Monterey wrote to inform the Commissioners that they had been unable to reach a settlement in the week allowed by the Board. In consideration of this fact, the Commissioners voted as follows:

MSC: To uphold the Hearing Officer's decision. (Marshall/Alviar: 5-0).



- C. Parties for the following appeal considerations scheduled for January 15, 1985 wrote the Commissioners:

Tenant's attorney for 123 Joice St. #2  
tenant at 1634 Haight St.  
tenant for 2915 Taraval St. #3  
Hearing Officer for 1416 Grant Ave. #27

- D. Landlord for the case at 864 Ellis St. #52 wrote to ask that the Board reconsider their award pursuant to the appeal hearing held October 24, 1984. It was the consensus of the Board that nothing in the facts of the case necessitated a change in their award.
- E. The legislative unit of the Department of Consumer Affairs in Sacramento wrote the Board with proposed legislation for changes in the State security deposit law. The Commissioners will study the proposal and respond with observations, as was requested.

VI. Director's Report

- A. Executive Director Ricardo Hernandez told the Board that he is attending the Transamerica Manager's Training Seminar all week.
- B. Mr. Hernandez reported that the staff has an additional counselor, Pedro Ruiz; a new clerical support staff member, Linda Kwong, and that Ruth Astle has been chosen to supervise the eviction unit.
- C. The Rent Board staff will gradually be attending training sessions on the use of the new computer system.

VII. Old Business

- A. Commissioner Astle discussed possible locations for the Commissioners' Retreat on February 2, 1985.
- B. Commissioner Marshall distributed copies of the proposed retreat agenda which she and Commissioner Payne had prepared. Commissioner Marshall requested that the Board members review the agenda and offer their comments at the January 22, 1985 meeting.
- C. The Board voted on the appeal consideration at 120 Coleridge continued from January 8, 1985:

MSC 1: To excuse Commissioner Marshall from this consideration. (Alviar/Marshall: 5-0).



MSC 2: To deny the landlord's appeal and uphold  
the Hearing Officer's decision.  
(Alviar/Chinchilla: 4-0).

VIII. Remarks from the Public

- A. Connie Braden thanked the staff for providing numerous copies of the Minutes for the public.
- B. Ted McCalla noted that the San Francisco Housing and Tenants Council did not care where the Commissioners held their rétreat since the event is open to the public.

IX. Adjournment

Vice-President Chinchilla adjourned the meeting at 7:00 p.m.

1/18/85:ap



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1/22/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
January 22, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

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I. Call to Order

II. Roll Call

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III. Approval of the Minutes

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IV. Consideration of Appeals

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A. 1200 Washington St.

B. 1421 Dolores St.

C. 310- 6th Ave.

V. Communications

VI. Director's Report

VII. Old Business

a. retreat location

b. retreat agenda

c. security deposit proposed legislation

VIII. New Business

a. adopt the 1985 guideline increase

IX. Calendar Items

X. Remarks from the Public

XI. Adjournment

1/17/85:ap







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 22, 1985 at 5:30 p.m. at the State Building 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

Vice-President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Alviar, Carrico, Chinchilla, Marshall, Astle.

Commissioners not Present: Payne, Chan, Jackson

Staff Present: Hernandez, Wicks

Commissioner Moy appeared on the record at 5:37 p.m.

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III. Approval of the Minutes

MSC: To approve the minutes of January 15, 1985.  
(Alviar/Marshall: 4-0).

IV. Consideration of Appeals

A. 1200 Washington St.

Landlord appealed Hearing Officer's determination that disallowed certain capital improvement expenses because landlord did not provide copies of cancelled checks to substantiate these costs. Landlord stated that she had turned in the requested information; Hearing Officer noted that the evidence had been turned in after the close of the record of the extended deadline period.

MSC: To remand the case to the same Hearing Officer on the limited issues of painting, gutter, and skylight pass-throughs. (Alviar/Carrico: 4-0).

B. 1421 Dolores

Tenant appealed the decision of Hearing Officer that allowed landlord to pass on a one-time "decontrolled" increase when the last original tenant in a revolving roommate situation vacated. Landlord had consulted periodically with the Rent Board to determine how to handle the situation. In 1982 landlord and tenants wrote a letter of understanding that alerted them and all subsequent tenants that landlord might be allowed such an increase; and that the controversy would be submitted to arbitration when the issue needed resolution. Eleven months after the last original tenant moved, landlord raised the rent \$200. In response to tenants' argument that landlord waived his right to the increase, landlord said he waited the eleven months because he believed he could give only one increase every twelve months and had just given the annual increase before the last original tenant moved. Hearing Officer stated that all tenants had received



sufficient notice of the possible increase and that landlord had acted in good faith.

MSC: To accept the case at the Board level. (Marshall/Chinchilla: 3-1; Carrico dissenting).

C. 310- 6th Ave.

Landlord appealed the ruling of Hearing Officer that allowed tenants an on-going decrease in service award and also disallowed an annual increase because of substantial habitability problems- as evidenced by several Department of Public Works housing code citations. Tenants testified that the problems had become worse with time and that no real efforts had been made by landlord to abate the conditions. Landlord maintained that tenants had caused the problems themselves. Among the decreases and violations raised by the tenants were the following: failure of the landlord to provide sufficient hallway and stairwell lights; lack of working front door lock; removal of coin-operated laundry facility; dismantling of the buzzer and intercom system; total deterioration of the mail boxes; problems with mushrooms growing in rooms with leaks; the frequent inability of tenants to park in paid-for garage spaces because landlord had also rented spaces to nearby vegetable merchants who parked vegetable trucks in tenants' spots; lack of working fire detection system; vermin. Landlord's attorney stated on appeal that all Bureau of Building Inspection citations had been corrected by May 1984; however the record included a BBI notice dated September 21, 1984 that listed thirteen violations.

MSC: To uphold the Hearing Officer and deny the appeal. (Marshall/Alviar: 4-0).

V. Communications

- A. Commissioner Astle wrote the Commissioners to formally announce her resignation so that she can accept the position of Eviction Unit Supervisor.
- B. Conflict of Interest forms were distributed to the Board.

VI. Director's Report

- A. Executive Director Hernandez commented on the formation of the eviction unit.
- B. Because of a number of temporary and permanent changes in the Rent Board staff, there will be several reassignments of duties. One position will become vacant as of February 1, 1985; the new Citizens Complaint Officer will be hired from the Civil Service list. Ms. Wicks will temporarily read decisions and work on litigation matters. Pedro Ruiz will temporarily attend Board meetings.



VII. Old Business

- A. Commissioner Chinchilla got a preliminary okay to use a room at Hastings for the February 5, 1985 retreat. Details will be announced at the January 29, 1985 meeting.
- B. The Commissioners discussed agenda items for the retreat. Ms. Wicks will submit a list of the items the Board has mentioned during the last few months.
- C. Proposed state security deposit legislation was briefly discussed. The Commissioners requested that the staff compile statistics on calls concerning security deposits. The Board will decide at the next meeting if they wish to write a supporting statement for the proposals.

VIII. New Business

- A. The CPI information needed to set the new March 1, 1985 guideline increase was not yet released by the government. The Board should have the information and adopt the increase at the January 29, 1985 meeting. It is anticipated that the guideline amount will again be 4 percent.
- B. Mr. Hernandez mentioned a proposed amendment to the Parking Ordinance that will be introduced by Supervisors Walker and Maher. No other details were available at this time.

IX. Calendar Items

January 29, 1985:

5 appeal considerations  
adopt annual increase

February 2, 1985:

Commissioners Retreat

February 5, 1985:

4 appeal considerations  
2 appeal hearings  
Board elections

X. Remarks from the Public

- A. Ted McCalla asked for several points of clarification on the retreat.
- B. Connie Brandon asked for a cite on the Fisher v. City of Berkeley case.

XI. Adjournment

Vice-president Chinchilla adjourned the meeting at 6:33 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, January 29, 1985  
at 5:30 p.m. at the State Building

\*\*\*\*\*

I. Call to Order

Acting Chair Payne called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Carrico, Chan, Marshall and Payne  
Commissioners not Present: Alviar, Chinchilla, Jackson, and Moy  
Staff Present: Astle, Hernandez and Ruiz

III. Approval of the Minutes

MSC: To approve the minutes of January 22,  
1985. (Marshall/Chan: 4-0).

IV. Consideration of Appeals

## A. 2433 Franklin St.

Landlord appealed Hearing Officer's decision to reduce the rents based on certain decreases in housing services of 10 percent from April 15, 1984 to August 5, 1984 and 75 percent beginning August 6, 1984 due to the loss of use of their kitchen and bathrooms. The landlord noted that these reductions were to correct code violations and that the rent was below market.

MSC: To uphold the Hearing Officer and deny the  
appeal. (Chan/Marshall: 4-0).

## B. 314 Kearny St.

Landlord appealed Hearing Officer's decision to reduce the rent for corresponding reduction in services because the landlord claimed that proper notice was not given even though both parties appeared at the hearing and that certain reductions were excessive.

MSC: To uphold the Hearing Officer and deny the  
appeal. (Chan/Marshall: 4-0).

## C. 2065 California St.

Landlord appealed the Hearing Officer's decision to deny certain capital improvements, to reduce the operating and maintenance and to allow a decrease in services for changing to individually metered electric heaters







MSC: To remand the case to a new Hearing Officer to hear the case de novo. (Chan/Marshall: 4-0).

D. 3716 Army St.

Landlord appealed Hearing Officer's decision to not allow any increase for capital improvements done before 1981 because there had been a 20 percent increase at that time which could have been for the capital improvements.

MSC: To accept the case de novo at the Board level. (Carrico/Payne: 4-0).

E. 899 Pine St.

Landlord appealed Hearing Officer's decision to deny the utility pass-through finding that the landlords did not meet their burden of proof. This case involves a complicated problem in how to calculate a utility pass-through based on the available evidence for this building.

MSC: To move the public comments portion of the agenda up in order to hear from the attorneys limited to four minutes from each side. (Marshall/Chan: 3-1; Payne dissenting).

A. The attorney for the landlord, Bruce Lymburn, made a statement to the Board to hear the case including all the evidence.

B. The attorney for the tenant, Robert DeVries, suggest counsel participate in a settlement conference with one member of the Board.

C. Ricardo Hernandez, as a member of the public, suggested that the pass-through be divided by square footage of liveable space.

D. Todd Werby, Vice-President of Grosvenor property added his comments.

MSC: To accept the appeal de novo at the Board level. (Carrico/Chan: 4-0).

It was suggested that written Briefs be presented to the Board within two weeks and that the parties attempt to stipulate to as many facts as possible



Communications

- A. Memo from Ruth Astle on the new eviction unit.
- B. Statistical report for December 1984.
- C. Summary of Security Deposit inquiries from July 1983 through December 1984.
- D. Three decisions to sign:
  - . 25 Linda St.
  - 735-737 Monterey
  - 80- 7th Ave.

VI. Director's Report

- A. Executive Director Hernandez introduced Pedro Ruiz as the new Clerk to the Board.
- B. The computer now has a program to put summary petitions into the data base.
- C. The Executive Director informed the Board that there is a practice developing by one landlord to send tenant's notices of the amount of the interest owed on security deposits and then raising their deposits to two full months and then deducting the interest.

VII. Old Business

- A. The Retreat will be held February 2, 1985 at 9:00 a.m. at Hastings, 198 McAllister Street, Room J, 3rd Floor. Revised agendas were distributed.
- B. The proposed security deposit legislation was discussed. The Board decided to take no action.

VIII. New Business

- A. The CPI annual rent increase limitation of 4% was adopted.

MSC: To adopt the 4% increase.  
(Marshall/Carrico: 4-0).

IX. Calendar Items

February 2, 1985

Commissioners Retreat





February 5, 1985

4 appeal considerations  
2 appeal hearings  
4 eviction considerations  
Board elections

February 12, 1985

2 appeal hearings

X. Remarks from the Public

- E. Milo Madler asked if he could use the computer to access information. Possible problems and procedures were discussed.
- F. Jim Fay stated that all public records should be available to the public and he would encourage a computer screen for public use. He also discussed the problem of increasing security deposits.

XI. Adjournement

Acting Chair, Commissioner Payne adjourned the meeting at 7:17 p.m.

1/30/85:ap



NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

TUESDAY, FEBRUARY 5, 1985 AT 5:30 P.M.

\*\*\*\*\*

State Building, 350 McAllister St. Room 1158

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## AGENDA

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- I. Call to Order.
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals.
- A. 115-117 Pixley
- B. 2890 California
- C. 1934 Folsom
- D. 3149 California
- E.
- F.
- G.
- H.
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Eviction
- A. Report from Staff
1. 1540 Great Highway #14
2. 1771-15th Street
3. 1554 Howard/560 Lyon/510 Page.
4. 3053 Turk St. #2
- VIII. Old Business
- IX. New Business
- X. Appeal Hearing
1. 6:00 870 Clay Street
2. 6:45 123 Joice Street
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

DOCUMENTS DEPT.

FEB 26 1986

SAN FRANCISCO  
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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, February 5, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

Vice President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Chan, Chinchilla, Marshall,  
Moy, Payne.

Commissioners not Present: Jackson

Staff Present: Astle, Ruiz, Wolf

Commissioner Alviar appeared on the record at 5:40 p.m.;  
Commissioner Cafrico appeared on the record at 5:41 p.m.;  
Commissioner Chan went off the record at 7:40 p.m.

III. Approval of the Minutes

MSC:

To approve the Minutes of January 29, 1985, with the following correction: p. 1, Section IV (C): "Landlord appealed the Hearing Officer's decision to deny certain capital improvements and to reduce the operating and maintenance expenses, and to allow a decrease in services for changing to individually metered electric heaters." (Marshall/Moy: 5-0).

DOCUMENTS DEPT.

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IV. Consideration of Appeals

A. 115-117 Pixley

Landlord appealed a decision which awarded tenant a refund of rent increases paid in excess of the guideline amounts since April 1, 1982. At issue was the exempt status of this building, as an owner lives in another 2-unit building on the same lot. The individual who rendered the decision was not the Hearing Officer who heard the case originally.

MSC:

To remand this case for procedural reasons to the original Hearing Officer on the record.  
(Moy/Marshall: 4-0).



B. 2890 California St.

Tenant appealed Hearing Officer's decision denying a rent reduction for decreased services due to an alleged extensive mildew problem, replacement of a central heating system with one separately metered to tenant, and problems with the operation of an electric heater. Hearing Officer noted that tenant may have grounds to fight a future rent increase should there continue to be a failure to make requested repairs.

MSC: To deny this appeal.  
(Payne/Chinchilla: 5-0).

C. 1934 Folsom St.

Tenant was awarded a rent reduction for decreased services due to loss of a washer and dryer and storage space. He appealed the award as he felt the amount of compensation granted was inadequate.

MSC: To deny this appeal.  
(Alviar/Carrico: 4-1; Marshall dissenting).

D. 3149 California St.

Tenant was awarded a rent reduction for decreased services due to the loss of a garage space for the owner's use. Landlords appeal was based on jurisdictional issues and the fact that the garage is in a building different from the one that tenant resides in.

MSC: To uphold the Hearing Officer  
and deny this appeal.  
(Marshall/Alviar: 3-2; Carrico  
and Payne dissenting).

V. Communications

- A. The Board received a confidential memorandum from the City Attorney's office relating to the Golden Gateway law suit, which was discussed later in Executive Session.
- B. The Board received materials relevant to the case at 4096-17th Street from Appeals Attorney Alicia Wicks and tenants Fred and Suzan Ahlansberg.



- C. The Board received a letter addressed to Commissioner Chinchilla from a tenant's attorney asking for an advisory opinion in a pending eviction matter at 601 Pennsylvania. Staff will conduct some preliminary investigation and report back to the Board regarding this matter next week.
- D. Vice-President Chinchilla signed the appeal decision regarding the property at 246 McAllister.
- E.. The Board members received a packet containing: two proposed rules changes; Policy Directives previously issued by the Board; and a summary of inquiries regarding security deposits.

VI. Director's Report

- A. As Executive Director Hernandez was home ill with the flu, there was no Director's Report

VII. Consideration of Allegations of Wrongful Eviction

- A. 1540 Great Highway #14; 1771- 15th Street; and 3053 Turk Street #2

It was the consensus of the Board to accept staff's recommendation on these cases.

- B. 1554 Howard/560 Lyon/510 Page St.

MSC:

To accept staff's recommendation and hear these consolidated cases at the Board level. (Payne/Alviar: 5-0).

VIII. Appeal Hearings

- A. 870 Clay St.

A hearing was scheduled for 6:00 p.m. but, due to the late arrival of the landlords, began at 6:31 p.m. At that time only the landlords' representative, Laura Swartz, was in appearance. Tenants' representative, Edwin Lee, interpreter Catherine Lau, and several tenants were in attendance at the scheduled time. Upon their arrival, landlords submitted voluminous documentation regarding operating expenses (for a complete discussion of the issues in this case, see Minutes of November 27, 1984) and the Board passed the following motions:



MSC: To excuse Commissioner Moy from consideration of this appeal. (Alviar/Carrico: 5-0).

MSC: To continue this hearing until Tuesday, February 12, 1985, at 6:00 p.m. (Alviar/Chinchilla: 5-0).

B. 123 Joice St.

The hearing in this case was scheduled for 6:45 p.m. and began at 7:03 p.m. In attendance were David Gruber, representing landlord appellant (the University Club), and tenant Alice Cushman, represented by her attorney, Kenneth John Azbill. At issue in landlord's appeal was Hearing Officer's disallowance of certain petitioned-for capital improvement costs due to alleged deferred maintenance.

After reviewing the documentation submitted by the parties and having listened to oral argument, the Board passed the following Order:

MSC: To certify the cost of the water heater to tenant over seven years but uphold the Hearing Officer regarding disallowance of certification of the cost of the roof. (Marshall/Alviar: 3-2; Payne and Carrico dissenting).

IX. Old Business

A. The Board members received nominations and elected new Officers.

MSC 1: To elect Commissioner Chinchilla as President of the Board. (Alviar/Marshall: 5-0).

MSC 2: To elect Commissioner Payne as Vice-President of the Board. (Marshall/Carrico: 5-0).

B. The Board briefly discussed the Sub-Committee to work on the case at 899 Pine St., consisting of Commissioners Marshall and Carrico.





X. Calendar Items

February 12, 1985

no appeal considerations  
4 eviction considerations  
2 appeal hearings

February 19, 1985

.2 appeal considerations  
1 appeal hearing

XI. Remarks from the Public

- A. Ted McCalla expressed his congratulations to the Board's new officers.
- B. Jim Fay inquired as to the status of the Mayor's appointing members for the two vacant Board seats; and remarked on the difficulty tenants experience in getting the Department of Apartment and Hotels Inspection (DAHI) to take corrective action regarding violations.
- C. Connie Brandon inquired as to the status of the Public Hearing regarding possible Rules changes; remarked on the desirability of having a Roundtable Discussion with the public within 90 days (this item will be discussed and calendared under Old Business next week); and made several points regarding decreased services and deferred maintenance.

XII. Executive Session

The Commissioners went into Executive Session at 8:00 p.m. to discuss the Confidential Memorandum from the City Attorney regarding the Golden Gateway case, and the Eviction Unit Supervisor's meeting with the District Attorney regarding potential litigation. They returned on the record at 8:14 p.m. after making the following motion:-

MSC:	To follow the advice of the City Attorney. (Payne/Alviar: 5-0).
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XIII. Adjournment

President Chinchilla adjourned the meeting at 8:15 p.m.

2/8/85:ap



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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION

AND ARBITRATION BOARD, Tuesday,

February 12, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

I. Call to Order

DOCUMENTS DEPT.

II. Roll Call

FEB 26 1986

III. Approval of the Minutes

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IV. Consideration of Appeals

No appeal Considerations this week.

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

1. 928 Haight St. 3. 343- 20th Ave.  
2. 510 Bush St. 4. 908 Rhode Island Apt. A

VIII. Old Business

a. 601 Pennsylvania eviction  
b. Roundtable discussion

IX. Appeal Hearing

6:00 1. 870 Clay St. (continued from February 6, 1984)  
6:45 2. 4096- 17th St. (Original consideration December 11,  
1984)

X Calendar Items

XI. Remarks from the Public

XII. Adjournment

2/8/85:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, February 12, 1985 at 5:30 p.m. at the State Building  
350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Moy, Marshall, Chinchilla, Chan

Commissioners not Present: Alviar, Payne

Staff Present: Astle, Ruiz, Hernandez

Commissioner Carrico appeared on the record at 5:40 p.m.; Commissioner Jackson appeared on the record at 5:45 p.m.; Commissioners Chan and Moy went off the record at 6:30 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 5, 1985.  
(Marshall/Moy: 4-0).

IV. Consideration of Appeals

None

DOCUMENTS DEPT.

FEB 24 1986

V. Communications

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The Board members received a packet containing:

- A. Copy of Proposed Assembly Bill No. 483 (Costa Bill).
- B. An article from the Daily Californian of Berkeley regarding the appointment of a new Rent Board Director and another discussing AB 483.
- C. An article that appeared in the San Francisco Chronicle discussing the tentative ruling by Judge Ollie Marie Victoire, upholding the San Francisco Rent Law in a suit by landlord Abe Hozz, who had argued that the rent control law deprived landlords of a fair return on their property and violated federal antitrust law.
- D. Director Ricardo Hernandez discussed a memo from Ruth Astle regarding a letter from the Department of Public Works, dated February 1, 1985, to Ms. Ruth Zube and three other parties, for alleged violation of the Subdivision Code, involving 2077-2087 Taylor Street.
- E. President Chinchilla signed the appeal decision regarding the property at 123 Joice Street.



VI. Director's Report

- A. Director Hernandez informed the Board that he would be appearing on a KNBR panel discussion of "roommates", on Tuesday, February 19, at 11:15 a.m.

Mr. Hernandez also informed the Board that we were receiving many calls as a result of numerous articles which have appeared on the matters of parking spaces, roommate agreements, and violations of the subdivision code.

- B. The Board was informed that the parties involved in the appeal regarding the property of 870 Clay Street had reached a settlement agreement, and that attorneys for both sides would come in for approval of said agreement by the Board.
- C. The Director suggested the discussion of the Costa Bill and it was scheduled for February 26, 1985.
- D. As of yesterday, Deborah Vincent James was hired to program the computer. In response to President Chinchilla's request, a report was given on the programs being made toward the implementation of the computer system.

VII. Consideration of Allegations of Wrongful Eviction

- A. 510 Bush St.

Master lessor lost the lease on this residential hotel. The owner offered each tenant \$1,200 to vacate in an attempt to convert to tourist use. The Hearing Officer also discussed the rents considerably for serious reduction in services.

An investigation by the Eviction Unit disclosed that the landlord has been complying with the decision of the Hearing Officer

Staff recommendation: No action should be taken as long as the landlord is in compliance with the Hearing Officer's order.

- B. 343- 30th Avenue

The landlord attempted to evict three tenants in order to occupy said units as her principal residence. There was also a unit available. Two of the tenants who occupied studios have married and left on their own accord and the third (and last person) indicated she had worked it out with the landlord and wishes no further action be taken.

Staff recommendation: No further action should be taken at this time.

- C. 908 Rhode Island Street, Apt. A

In March of 1984, notice was given to the tenants that the landlord was moving back to San Francisco and that he wished to occupy the upstairs flat. Prior to this, the landlord had evicted two tenants





on the grounds that he was moving in from another unit and then never did. The notice also did not comply with Section 37.9(b).

At the hearing, the landlord's son claimed a new notice had been prepared because major plumbing work was to be done. The father only intended to occupy the unit for five months and a brother-in-law would occupy five days a week. The landlord claimed to have lived in the middle unit for three months and that his brother-in-law had lived there one (1) month. This decision was submitted October 16, 1984. On December 20, 1984, another notice to vacate was sent on the grounds of Section 37.8(a)(8) for the landlord to occupy.

Staff recommendation: This eviction appears to be questionable and the Board should hear this case.

MSC: (Marshall/ : 4-1).

D. 928 Haight Street, #2

The owner sent eviction notices under Section 37.9(a)(12) to do substantial rehabilitation in August 1984. The Hearing Officer found that the landlord did not meet the requirements under Section 12.

A new notice was sent under Sections 11 and 12. No schedule has been set up nor has any proposed date for return of the tenant been set. The tenant is presently represented by SFNLAF and possible settlement is being worked in the case.

Staff recommendation: To monitor the litigation but take no further action at this time.

VIII. Old Business

A. 601 Pennsylvania

The Board was asked by the tenants' attorney for an opinion as to whether the parties involved in Nomad Productions were natural persons. Ruth Astle told the Board that Nomad has not filed a fictitious name. Ms. Astle sent the customary letter and asked them to respond within five days. The Director and Ms. Astle had both agreed that they are not a group of natural persons because they do not state anywhere who they are.

It was decided by the Board that if a response was not received within five days, a hearing would be scheduled.

B. Round Table

This public hearing was scheduled for March 12 at 6:00 p.m. The purpose of the round table hearing is to suggest and discuss rule changes and policy matters. The Board decided not to limit the issues to be discussed. Mr. Hernandez informed the Board that this office had a mailing list of 250 names including the press.



C. Hozz case

Commissioner Chinchilla wanted to know the status of this recent ruling. Ricardo Hernandez, the Director, informed the Board that the City Attorney has received the proposed draft of the order and decision and that the City Attorney would be contacting the Rent Board.

Mr. Hernandez also stated that the case was remanded for a hearing and that in the past, the attorney had chosen what rules would apply. The only issue is whether they want to remand it to a Hearing Officer or to the Board.

IX. Appeal Hearing

A. 870 Clay St.

This hearing was continued from February 6, 1985.

Tenant's representative Edwin Lee, and landlord's representative Amy Chung were in attendance at the scheduled time and presented to the Board a Settlement Agreement for its approval.

This agreement disposes of any and all issues. Mr. Lee told the Board that the figures reflected all the increases that could have been raised in the calendar year 1985.

The Board received a Settlement Agreement from the parties at 870 Clay Street.

MSC: To approve the Settlement Agreement as submitted.  
(Marshall/Jackson: 4-0).

Mr. Lee thanked the Board for its cooperation and assistance. He also told the Board that he felt that the Hearing Officer failed to seriously look at the law at that time.

B. 4096- 17th St., #305

Landlord appealed Hearing Officer's determination that allowed certain petitioned-for capital improvements but disallowed an annual increase because tenant claimed landlord had failed to perform necessary repairs and maintenance. Landlord asserted his position that he had not been informed of the problems and that the increase delay was improper because tenant had not filed a petition. There was a further possible issue of a life-time lease pursuant to Condominium Conversion.

This case was originally considered on December 11, 1984. At this time the Board made a motion to accept the case de novo at the Board level.

This hearing was scheduled for 6:45 p.m. so there was a break from 6:15 to 6:55. The landlord did not show up.



President Chinchilla stated that the record reflected that this was a holiday and that the landlord might have come to the entrance and decided to leave.

Based on this, the Board decided to have the hearing with the tenant and continue the case to hear the landlord's evidence as well.

Mrs. Susan Ahlansberg stated that this case had been going on for two years and during this time her husband had been ill. Due to his illness, they had requested that painting of the apartment be postponed.

Mrs. Ahlansberg read to the Board from a note which her husband had written asking for clarification of the following: 1) What will be the correct rent for the balance of 1985. They had paid \$345.05 for January and February of 1985, but they were ordered to pay \$410.30 for November and December of 1984. 2) Does Dr. Syers plan to retract his alleged false statements of November 12, 1984. 3) When will they be offered a life-time lease on this apartment as they were offered when they moved in.

After much discussion by the Board, it was decided to continue the hearing. Mrs. Ahlansberg was asked to bring copies of the cancelled checks from November 1983 to the present.

X. Calendar Items

February 19, 1985

2 appeal considerations  
2 eviction considerations  
2 appeal hearings  
Executive Session RE: Hozz

XI. Remarks from the Public

None

XII. Adjournment

President Chinchilla adjourned the meeting at 7:16 p.m.

2/14/85:ap



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

February 19, 1985 at 5:30

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

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I. Call to Order

DOCUMENTS DEPT.

II. Roll Call

FEB 20 1985

III. Approval of the Minutes

SAN FRANCISCO  
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IV. Consideration of Appeals

A. 1700/1710- 10th Ave.

B. 1322 Leavenworth St.

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Eviction

A. Report from Staff

1. 407 Fair Banks

2. 102 Shotwell St.

VIII. Old Business

IX. New Business

) p.m. Executive Session RE: Abe Hozz

X. Appeal Hearing

) p.m. 1. 3716 Army St. (original consideration: January 29, 1985)

) p.m. 2. 4096- 17th St. (continued from February 12, 1985)

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment

2/14/85:ap







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 19, 1985 at 5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

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I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Jackson, Alviar, Carrico  
Commissioners not Present: Payne, Chan, Moy, Marshall  
Staff Present: Astle, Ruiz, Hernandez

III. Approval of the Minutes

MSC: To approve the Minutes of February 12, 1985 with the below listed corrections:  
P. 2, VI, D., third line, should read: "given on the progress ....". P. 3, VII., C., end of paragraph should read: MSC: Marshall/Chinchilla: 4-1). P. 4, IX., A., last paragraph, should read: "...look at the law in effect at that time". (Alviar/Jackson: 4-0).

DOCUMENTS DEPT.

MAR 11 1985  
SAN FRANCISCO  
PUBLIC LIBRARY

IV. Consideration of Appeals

A. 1700/1710 - 10th Ave. (F-26-25(A))

Landlord appealed Hearing Officer's determination (November 19, 1984) in which tenant-petitioner McDowell was awarded a temporary total rent reduction plus her filing fee and tenant-petitioner Picone was awarded same plus an ongoing reduction per month for garage space until the services were restored.

The Board considered the following points alleged as errors by the landlord: (1) Denial of due process and fundamental fairness; "(2) monthly reduction for the garage - landlord claims evidence showed tenant Picone had no right to use the garage; (3) the award of two weeks free rent was arbitrary and without support in the record; (4) inaccurate calculations in awards and damages; (5) general bias of hearing officer.

MSC: To accept the case at the Board level. (Alviar/Carrico: 4-0).



B. 1322 Leavenworth St. (F26-24(A))

Landlord appealed Hearing Officer's decision (December 12, 1984) that disallowed rent increases of May 1982, May 1983 and May 1984, because those increases were based on uncertified capital improvement costs and did not conform with the provisions of the Ordinance (Section 37.3A(b)(6), Regulations Section 4.10(b).

MSC: To uphold the Hearing Officer's decision and deny the appeal. (Jackson/Alviar: 4-0).

The Board also ordered that a note be included with the decision inviting the landlord to come into the office should he need clarification regarding the amount that was granted in the second capital improvement certification.

VI. Communications

The Board members received the following material:

- A. Copy of letter received for Californians for Local Control lobbying against AB 483 (Costa Bill).
- B. Statistics for January 1985.

VI. Director's Report

- A. Director Hernandez asked Ms. Ruth Astle, Eviction Unit Supervisor, to give the Board an account of her appearance in court on a motion to set aside a default judgment on behalf of the tenants of the Grey Rabbit Inn, who had filed a Report of Alleged Wrongful Eviction with the San Francisco Residential Rent Stabilization and Arbitration Board on November 9, 1984. Ms. Astle went to court on December 13, 1984 and the judge issued a stay of the eviction pending a hearing. At the hearing on February 19, 1984 the judge set aside the default and the case is going to trial on March 11, 1985.
- B. The Board was informed of Ms. Astle's appearance on KSFO Radio program dealing with consumer information on February 17, 1985 from 7:00 to 8:00 a.m.
- C. Delene Wolf was part of a pre-taped panel show of KNBR which will be broadcasted on March 3, 1985, at 7:30 a.m. and 10:00 p.m. covering roommate issues.



- D. Director Hernandez informed the Board that he had been approached by various federal agencies, including the IRS and U.S. Customs, regarding the property of Gunther Kaussen. They may be interested in looking at his files.
- E. This Thursday, February 21, 1985, the Transportation Committee of the Board of Supervisors is again considering the amendments to the Housing Code and the requirement for landlords to first provide onsite garages to existing tenants to prevent evictions from the garages and provide fairly stiff penalties to violations through the court system (Maher Bill).
- F. An assistant from the Mayor's Office will be working on the Indexing Project.

VII. Consideration of Allegations of Wrongful Evictions

A. 407 Fair Banks

The Landlord evicted the tenants from the upper unit while a lower unit was available and did not allow the tenants to move in. Even though the landlord resided on the premises, the unit was under the rent law from November 1983 to May 1984. The landlord clearly violated the rent ordinance.

The Board ordered a letter be written to the tenant strongly suggesting she get a private attorney.

B. 102 Shotwell

The landlord has made several attempts to evict the tenant. First to make repairs with complying with 37.9(b) or 37.9(a)(11); then a 3-day notice was given that the tenant violated a provision of the lease, then another 3-day notice that the tenants were a nuisance.

The Board ordered that a letter be sent to the landlord stating that if he continues his present practice, the case will be heard before the Board.

C. 310 Graystone Terrace, #2

This case involves a request (there is an issue as to whether or not it is a notice) to vacate for capital improvements. The landlord did not get the permits. The tenants vacated based on this request. The landlord re-rented the unit at a higher rent.



The Hearing Officer finds no bad faith or ulterior motive. On Administrative Review, attorney for the tenants requests that the decision be set aside or reversed. It appears that litigation is pending in the form of a wrongful eviction suit.

MSC: To set aside Hearing Officer's decision.  
(Alviar/Jackson: 4-0).

VIII. Old Business

None

IX. New Business

A. Executive Session

The Board met in Executive Session at 5:35 p.m. Rick Judd and Kathryn Pennypacker from the City Attorney's Office, and Susan Francis, Deputy Director of the Rent Board, discussed the recent tentative Decision of Abe Hozz v. City and County of San Francisco (1001 California St.).

X. Appeal Hearing

A. 3716 Army St. (F-26-17(A))

This hearing was originally considered by the Board on January 29, 1985.

Appearing were the landlord, Marilyn Driscoll, and representing the tenant William Cassio, was Don Cassio, his son.

Landlord appealed Hearing Officer's decision to disallow any increase for capital improvements done before 1981 because there had been a 20% increase at that time which could have been imposed for the capital improvements.

The Board suggested that the parties come up with a compromise figure to which they could agree.

Beginning March 15, 1985, the anniversary date, the landlord may use the following base rent in calculating the annual rent increase.

\$330.92	Base Rent
14.08	Cap. Imp.
<hr/>	
\$345.00	Monthly Rent





A stipulation to the above will be prepared and sent to all parties for their signature and final Board approval.

B. 4096- 17th St. (F24-29(a))

This hearing was continued from February 12, 1985, because the landlord did not appear.

Present were Dr. Charles Syers, landlord and Mrs. Suzan Ahlansberg.

Landlord appealed Hearing Officer's determination that allowed certain petitioned-for capital improvements but disallowed an annual increase because tenant claimed landlord had failed to perform necessary repairs and maintenance.

MSC: To uphold the Hearing Officer's decision and deny this appeal. (Alviar/Jackson: 4-0).

XI. Calendar Items

February 26, 1985

No appeal considerations  
One wrongful eviction hearing  
One appeal hearing

March 5, 1985

No appeal considerations  
Executive Session  
One appeal hearing  
One wrongful eviction hearing  
Retreat items  
Costa Bill  
Tenants' petitions for failure to repair and maintain

March 12, 1985

No appeal consideration  
Round table discussion with public

XII. Remarks from the Public

- A. Ted McCalla commended the Board for their attempt to mediate.
- B. Connie Brandon commended the Board and said that she found the mediate attempts in the 3716 Army case "inspiring".



- C. Jim Fay also commended the Board on the way the Gray Rabbit Inn case was handled. He also questioned the wisdom of the Board setting aside the Hearing Officer's decision in the Greystone case.

XIII. Adjournment

President Chinchilla adjourned the meeting at 8:15 p.m.

2/21/85:ap





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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday

February 26, 1985 at 5:30 p.m.  
\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

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DOCUMENTS DEPT.

MAR 1 1985

SAN FRANCISCO  
PUBLIC LIBRARY

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals  
No appeal considerations
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions  
A. Hearings

5 p.m. 1. Columbini cases - 56 Lyon/1554 Howard/510 Page St.

VIII. Old Business

IX. Appeal Hearing

0 p.m. 1. 1421 Dolores St. (original consideration February 22, 1985)

X. Calendar Items

XI. Remarks from the Public

XII. Adjournment

2/21/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, February 26, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Moy  
Commissioners not Present: Carrico, Payne  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Jackson came on the record at 5:45 p.m.;  
Commissioner Chan came on the record at 6:52 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 19,  
1985, with the following corrections:  
DOCUMENTS DEPT. Page 1, IV, A., second paragraph, third  
line, should read: "(2) monthly ....";  
MAR 11 1985 page 5, XII, A, "Ted McCalla commended the  
Board for their attempt to mediate."; page  
SAN FRANCISCO 5, XII, B., "...she found the mediation  
PUBLIC LIBRARY attempts in the 3716 Army case inspiring."

IV. Consideration of Appeals

DOCUMENTS DEPT.

A. No appeal considerations this week.

MAR 18 1985

V. Communications

SAN FRANCISCO  
PUBLIC LIBRARY

The Board members received the following material.

- A. Newspaper article covering existing problems of the subdivision law. This issue will probably be the subject of future legislation by the Board of Supervisors.
- B. Recorder's article giving an update of the Hozz v. City and County of San Francisco. The landlord's attorney filed 10 pages of proposed amendments to the recent decision.
- C. Letter from a tenant giving suggestions to the Board on rent increases.
- D. Letter from an attorney asking the Board to consider a "Notice of Rent Increase" form that he designed for use by landlords.





- E. Decision on 102 Shotwell Street (case heard on February 19, 1985) for the Board's signature.
- F. Decision of Board on appeal hearing held on February 19, 1985 re: 4096- 17th Street, #305. The Board directed the staff to make changes on page 2, lines 11 and 12.
- G. Memo from the Director advising the staff and Board that new roommate Section 37.9(b) requires that the notice to vacate state: "Advice regarding the notice to vacate is available from the Rent Board."

VI. Director's Report

None

VII. Consideration of Allegations of Wrongful Eviction

A. Report from Staff

1. 830 Post St., #4 (F90-32(E))

The landlord is seeking to evict based on an alleged oral covenant that she would vacate the unit she was in if she was not the manager. The tenant denied any such agreement and testified that there was nothing special about this unit. The last manager did not live in it. The Hearing Officer found that there was no just cause for eviction.

The Board ordered that a letter be written to the landlord stating that if he does not stop trying to evict the tenant, the case will be heard before the Board.

2. 343 San Jose Ave., Apt. A (F104-21(E))

The landlord has raised the rent from \$306 to \$425 and when the tenant did not pay, the landlord served a 3-day notice. An Unlawful Detainer was filed February 11, 1985.

The tenant was the wife of the tenant and has lived in this unit since 1976. The Hearing Officer found the rent increase was not allowed by the rent law and that this was a wrongful eviction. (February 8, 1985). Landlord refused to appear at the hearing. The landlord is Landmark Realty; they are aware of the law.

MSC: To accept the case at the Board level.  
(Marshall/Alviar: 4-0).

Break at 6:50 p.m.



B. Hearing

Appeared:

Rudy Colombini, landlord; Karen Watkins, landlord's representative.

The following cases were brought before the Board.

- A. 1554 Howard St., Apts. 6, 7, 11, 12, 15, 20, 28, 29, 30, 33, 35, 38.

The landlord sought to evict to do substantial rehabilitation. The landlord refused to work around the tenants.

- B. 510 Page St.

The landlord sought to evict on the same grounds. In this case, there is a history of serious neglect of repairs and an attempt to pay the tenants to move permanently.

- C. 560 Lyon St.

No just cause for eviction was given to the tenants by the landlord.

Because there are so many cases involving this landlord, the Board heard them collectively.

Landlord and his representative admitted that there was a pattern in his practice of evicting tenants. In the case of the Lyon property, he claimed that the tenants had never paid a deposit, last month's rent or had a formal written agreement.

Landlord admitted to offering \$1,200. to the tenants on Page Street under advise of an attorney. When they refused, he evicted them. Landlord testified that before he allowed any tenant to reoccupy, he would require money in advance, i.e., deposits, back rents.

MSC: The Board finds that there is sufficient evidence of attempted wrongful evictions at 510 Page Street. (Marshall/Alviar: 4-1; Moy dissenting).

At 7:45 the Board went into Executive Session to discuss prospective litigation of the Columbini cases.



MSC: To refer Mr. Rudolph Columbini to the District Attorney's office for investigation of possible violations of the Rent Ordinance and applicable state and municipal laws. (Marshall/Alviar: 5-0).

VIII. Old Business

Issue discussed at the Retreat:

MSC: That the staff draft a sample letter to be sent to the Board of Supervisors expressing their interest in actively participating in the drafting of any proposed amendments to the Rent Ordinance. (Marshall/Alviar: 5-0).

IX. Appeal Hearing:

1. 1421 Dolores St. (F26-14(A))

This case was originally heard November 7, 1984.

Appeared: Lawrence Chazen, Landlord-Respondent; Janice McDermott, Kathryn Elligson, and Xavier Whalen, Tenant-Petitioners.

Tenants appealed Hearing Officer's determination that the unit became decontrolled when the last original tenant (Mr. Locker) vacated. Tenants assert that the owner waived his right to decontrol the unit when the last original tenant vacated and the owner continued to accept rent from the tenants for 11 months subsequent to the decision at the hearing without imposing a rent increase..

The Board felt that although the landlord would have been within his rights to decontrol the unit after the last original tenant moved out, a new tenancy was established when the landlord accepted rent payments for 11 months.

MSC: To overturn Hearing Officer's decision. The base rent remains at \$572.45. (Marshall/Alviar: 3-2; Jackson and Moy dissenting).

X. Calendar Items

March 5, 1985

No appeal considerations  
Executive Session



Page Five of the Minutes of February 26, 1985

One appeal hearing  
One wrongful eviction hearing  
Retreat items  
Costa Bill  
Tenants petition for failure to repair and maintain.

March 12, 1985

No appeal considerations  
Round Table discussion with public

1985

Page Five of the Minutes of February 26,

March 19, 1985

Two appeal considerations  
Two appeal heariongs

XI. Remarks from the Public

None

XII. Adjournment

President Chinchilla adjourned the meeting at 7:55 p.m.

2/28/85:ap







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3/5/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
March 5, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - No appeal considerations
- V. Executive Session
  - A. Anderson - RAP and Klein
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
  - A. Report from Staff
    - 1. 148- 21st Ave.
  - B. Hearings
    - 1. 908 Rhode Island, Apt. A
- IX. Old Business
  - 1. Retreat Items
- X. New Business
  - 1. Costs Bill
  - 2. Discussion of tenants' petitions for failure to repair and maintain
- XI. Appeal Hearing
  - 1. 899 Pine St.
- XII. Calendar Items
- XIII. Remarks from the Public
- XIV. Adjournment

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MAR 11 1985

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0 p.m.

5 p.m.

0 p.m.

2/28/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, March 5, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Payne,  
Commissioners not Present: Chan, Jackson, Moy  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Carrico came on the record at 5:41 p.m.;  
Commissioner Marshall came on the record at 5:35 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 26, 1985,  
with the following corrections: Page 4, IX.,  
1., 4th paragraph, should read: "The Board  
decided that regardless of whether the  
landlord would have been within his  
rights...." (Alviar/Marshall: 5-0).

IV. Consideration of Appeals

No appeal considerations.

V. Executive Session

Kathryn Pennypacker of the City Attorney's Office appeared  
before the Board, to discuss the following pending cases.

Fox v. Rent Board  
Imhoff V. Rent Board  
Farr v. Rent Board  
Flowers vs. Executive Director  
Anderson v. Rent Board

VI. Communications

- A. Copy of a letter from a landlord to a tenant that had  
written the Rent Board concerning interest on deposit.  
However the tenant lived outside of San Francisco.
- B. A communication on Community Apartments presented by a  
member of the Department of Public Works which was presented  
to a City Planning Commission hearing.

DOCUMENTS DEPT.

MAR 11 1985

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- C. Two letters from a tenant involved in an eviction case.
- D. Newspaper article describing how a tenant was forced out (evicted) by investors circumventing San Francisco's Condominium Conversion law.
- E. 908 Rhode Island.

Letter from the lawyer representing the landlord, requesting a postponement of the hearing which was set for March 5, 1985.

Letter from our office granting above request with the provision that no further action will be taken against the tenant until the hearing is held on April 23, 1985.

- F. Letter from a landlord's attorney to a tenant informing her that if she does not vacate, they will commence action against her and the Board.

The Board decided to write a letter in response to this communication.

#### VII. Director's Report

- A. Alicia Wicks, staff member, was a guest lecturer for the Property Management class at City College, on February 27, 1985. She explained the Ordinance and Rules and Regulations, as well as the proper way to prepare a landlord's petition.
- B. The Board and the Director commended the Eviction Unit for the manner in which they handled the eviction case of the tenants at 611 Leavenworth, Grey Rabbit Inn. (Reported on minutes of February 19, 1985).
- C. Director informed the Board on the progress of the creation of the Index Project.

#### VIII. Consideration of Allegations of Wrongful Evictions

- A. Report from Staff

- 1. 148- 21st Ave.

Renovations began September 1984. Estimated it would take 90 days. On February 7, 1985 landlord claimed the units would take five more weeks. Hearing Officer felt this was unreasonable since the work was basically completed.

The Board decided to send a letter to the landlord informing him to mail re-occupancy letters to the tenants with a projected date and to do so with all deliberate speed.



2. 3318- 16th Street

There were two prior hearings in this case. The tenant moved out so that capital improvements could be completed. The landlord has refused to allow the tenant to re-occupy unless he pays a higher rent. The landlord was told he may petition to increase the rent.

The Board directed that a letter be sent to the landlord stating that if the tenant is not allowed to re-enter by April 1, 1985, at the prior rent of \$315.22, he will be referred to the Board for submission to the appropriate authority.

B. Hearings

1. 908 Rhode Island, Apt. A.

Postponement to April 23, 1985.

IX. Old Business

Discussion of retreat items were postponed until March 26, 1985.

X. New Business

- A. 1. The Board was informed by the staff that in February of this year the Rent Board received 98 Reports of Wrongful Evictions, the greatest number since the agency began accepting reports. 2. The idea of advertising as a public service was discussed by the Board.
- B. Training for new Hearing Officers will be conducted on Wednesday, March 13, 1985 from 9 - 12 a.m., and for present Hearing Officers on Friday, March 15, 1985 from 12 - 1 p.m.
- C. Costa Bill (AB 483): Commissioner Marshall introduced a resolution for consideration by the Board. There was discussion by the members regarding the effects that the bill would have on certain portions of the San Francisco Rent Ordinance.

MSC: To pass the resolution and to send it to all local representatives, the Assembly, and the Judiciary Committee. (Marshall/Payne: 4-1; Carrico dissenting).

D. Tenant's Petition for Failure to Maintain and Repair.

The Board discussed a current dilemma: In order to raise an issue at a hearing, it has to be properly raised and proper





notice given. In those cases where the issues are not properly before the Hearing Officer, a petition should be filed. However, failure to repair or decrease in services is not at issue when a landlord files a capital improvement petition, even if the annual increase is part of the notice that was sent to the tenant.

This item was continued until March 26 for further discussion.

- E. Board decided to send a letter of congratulations to former Commissioner Catherine Duggan, who has been elected President of the Queen's Bench.

XI. Appeal Hearing

899 Pine St.

Landlord appealed Hearing Officer's decision to deny the utility pass-through finding that the landlords did not meet their burden of proof. This case involves a complicated problem in how to calculate a utility pass-through based on the available evidence for this building.

Appeared: Bruce Lymburn, attorney for the landlord; Susanne Gallagher, landlord's representative; Todd Werby, landlord's representative; Karen Chan, landlord; Cathy Workman and George Fuller, witnesses.

Robert De Vries, attorney for the tenants; Norton Jacobs, John E. Bako, Gladys Kzaigian, and Villy Jensen, tenants.

The issues before the Board are: (1) what methodology is to be used in calculating PG&E passthroughs; (2) should "banking" be allowed for PG&E passthroughs?; (3) have the landlords shown that for reasons beyond their control, the Board should adopt an alternative method; (4) should filing fees for the appeal be returned?.

The President submitted to both parties a memo prepared by a sub-Committee of two Board members suggesting a method for calculating the steam and electricity passthroughs.

- MSC 1: Not to allow banking of PG&E pass-through.  
(Marshall/Payne: 4-1; Carrico dissenting).
- MSC 2: That the Board find an alternative method.  
(Payne/Alviar: 5-0).
- MSC 3: That the Board finds the second filing fee for the appeal was not due and should the landlord file a claim with the city, the filing feed should be refunded.  
(Payne/Carrico: 5-0).



MSC: 4: That the Board adopt alternative methodologies as worked out by the Committee. (Carrico/Marshall: 5-0).

The Board directed the lawyers of both parties to get together to arrive at the correct figures and to submit same to the Rent Board office by March 8, 1985 in order to complete written decision for the Board's signature.

XII. Calendar Items

March 12, 1985

No appeal considerations  
Executive Session on Anderson  
Round Table Discussion

March 19, 1985

Two appeal considerations  
Two appeal hearings

March 26, 1985

No appeal considerations  
One appeal hearing  
Retreat items  
Tenant's Petition for failure to repair and maintain

XIII. Remarks from the Public

- A. Connie Brandon stated that she has come across tenants who are not given the correct petitions for their particular situation. She recognizes that there is an overload of work, but suggests that we try to listen more carefully to what tenants are saying in order to get them in the right direction.
- B. Jim Faye reported that for the first two months of the year, there were 1,020 Municipal Court Unlawful Detainers. Regarding the Costa Bill, he stated that he supported Commissioner Carrico in not supporting the Costa Bill. He stated that the Board had "blown it" in taking a position in opposition to the Bill. He asked a question on the issue of failure to repair and maintain.

XIV. Adjournment

President Chinchilla adjourned the meeting at 9:15 p.m.

3/7/85:ap



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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
March 12, 1985 at 5:30 p.m.\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- None
- V. Executive Session (at 5:30 p.m.)
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- None
- IX. Old Business
- A. Corrections of appeal decisions
- 2360 Pacific  
737 Monterey
- X. New Business
1. Special Round Table Discussion with public (at 6:00 p.m.)
- XI. Appeal Hearing
- None
- XII. Calendar Items
- XIII. Remarks from the Public
- XIV. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, March 12, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Jackson,  
Marshall

Commissioners not Present: Moy

Staff Present: Hernandez, Wolf

Commissioner Payne came on the record at 5:38 p.m.; Commissioner Chan came on the record at 5:40 p.m.; Commissioner Carrico came on the record at 5:55 p.m.; Commissioner Chan went off the record at 8:02 p.m.

III. Executive Session

The Commissioners went into Executive Session at 5:35 p.m. to discuss pending litigation strategies in Anderson v. Rent Board with Kathryn Pennypacker of the City Attorney's Office. They returned on the record at 5:55 p.m.

IV. Approval of the Minutes

MSC: To approve the Minutes of March 5, 1985, with the following corrections: Page 1, V, Executive Session; all the v's in the cases listed should be uniform; page 2, VII. C, should read: "on the progress in the creation of the Indexing Project"; VIII. A, paragraph two should read: "send a letter to the landlord asking him to mail re-occupancy letters"; page 4, XI, before the Motions listed, a sentence reading as follows should be inserted: "After hearing arguments on the issues presented, the Board decided that: "; the previous paragraph should contain question marks as appropriate; page 5, MSC: #4, should read: (Marshall/Payne: 5-0), instead of (Carrico/Marshall: 5-0). (Marshall/Alviar: 5-0).

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FEB 24 1986

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V. Communications

- A. The Board received letters from both attorneys in the 899 Pine Street case, and a memorandum from staff member Ruth





Astle stating that she will be unable to write the decision until she receives the figures from the landlord. This case will be brought up under Old Business at the March 26, 1985 Board meeting.

- B. The Commissioners were asked to provide their current addresses and phone numbers for a roster to be put into the computer.
- C. The Board received a Memo from the Committee on Fair Rate of Return which may propose some rules' changes to the Board at a later date.
- D. The Board received the monthly statistics for February.
- E. The Board's President approved and signed the appeal decision for 3716 Army Street and technical corrections for the cases at 735-737 Monterey and 2360 Pacific Avenue.

VI. Director's Report

- A. The Executive Director reported on the development of the computer project and the finalization of the Tenant Summary Petition and Eviction screens.

VII. Old Business

- A. Commissioner Marshall brought up a letter to the Board of Supervisors that had been drafted by the Rent Board. It was the consensus of the Board that the letter not be mailed, and instead have Board members' names placed on the mailing lists for relevant supervisorial committees..

VIII. Calendar Items

March 19, 1985:

- 2 appeal considerations
- 1 wrongful eviction consideration
- 2 appeal hearings

March 26, 1985:

- No appeal considerations
- Retreat items
- Tenant's petition for failure to repair
- 285 Turk Street (substantial rehabilitation case)

April 2, 1985:

- 3 appeal considerations



IX. Roundtable Discussion

The Board engaged in a spirited discussion with various members of the public on a wide range of issues pertaining to the Rent Ordinance. The discussion began at 6:16 p.m. and concluded at 8:40 p.m.

X. Adjournment

President Chinchilla adjourned the meeting at 8:41 p.m.

3/14/85:ap



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2/19/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
March 19, 1985 at 5:30 p.m.\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

I. Call to Order

II Roll Call

DOCUMENTS DEPT.

III. Approval of the Minutes

FEB 20 1985

IV. Consideration of Appeals

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A. 725 Monterey Blvd.

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

1. 495 Francisco St.

A. Hearings

1. 343 San Jose Ave., Apt. A

VIII. Old Business

IX. New Business

X. Appeal Hearing

1. 1700-1710- 10th Ave. (original consideration Feb. 19, 1985)

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment

3/13/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, March 19, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

# I. Call to Order

Vice-President Payne called the meeting to order at 5:34 p.m.

# II. Roll Call

Commissioners Present: Alviar, Marshall, Payne  
Commissioners not Present: Carrico, Chinchilla, Jackson,  
Moy  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Chan came on the record at 5:40; Commissioner  
Marshall went off the record at 7:22 p.m.

# III. Approval of the Minutes

MSC: To approve the minutes of March 12, 1985.  
(Alviar/Marshall: 3-0).

DOCUMENTS DEPT.

# IV. Consideration of Appeals

FEB 24 1986

## A. 725 Monterey Blvd. (F26-26(A))

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Landlord appealed Hearing Officer's determination  
(January 31, 1985) in which tenant-petitioners were  
awarded a monthly reduction in rent to correspond with a  
decrease in housing services. In addition, filing fee  
costs were absorbed.

MSC: To deny landlord's appeal.  
(Alviar/Marshall: 3-0).

# V. Communications

- A. The Board received a Notice of Appeal Withdrawal from  
Appellant (Case No. F26-27(A)), 3716 Army Street, dated  
March 15, 1985.
- B. The Director received a letter dated March 12, 1985 from  
the chairman of Old St. Mary's Housing Committee,  
expressing his gratitude for the good performance by  
Delene Wolf, staff member, during a presentation to the  
counseling group of that organization.
- C. The Board received Response to the Appeal from the  
attorney for Tenant-Petitioner Rosemary Picone regarding  
the case of 1700-1710 10th Avenue.





- D. The Director received a copy of Sections of the Residential Off-Street Parking Ordinance from the Director of the Parking Authority. The Board was also presented with a copy of a proposed draft to the Parking Ordinance now being considered by the Board of Supervisors.

VI. Director's Report

- A. The Director met with two staff members from Informations Services Division to discuss the development of a customized system that will meet the projected needs of the Rent Board. The Rent Board and ISD have determined that the utilities that can be purchased from WANG are not meeting the needs of the agency. Limitations of available software and budget restrictions were discussed.
- B. Ms. Ruth Astle, Eviction Unit Supervisor, Ricardo Hernandez and Susan Francis met with the Honorable David Garcia, Judge of the Municipal Court, now assigned to Law and Motion. They discussed Unlawful Detainers and how the Rent Board procedures relate to the court's procedures.
- C. The Director attended a meeting with Kathryn Pennypacker of the City Attorney's office. She has requested to come before the Board to discuss the status of cases that are presently being litigated on behalf of the Rent Board by that office.

VII. Consideration of Allegations of Wrongful Eviction

A. Report from Staff

1. 495 Francisco St.

Tenants John and Suzan Milones filed a report of alleged wrongful eviction on January 14, 1985. The original notice stated that the "landowner's" son intended to move in to the unit occupied by the Milones. However, the notice did not comply with Section 37.9(B) and thus was invalid. The next notice to vacate was served on February 7, 1985 once again citing the original just cause and this time complying with Section 37.9(B). In this case, the Bank is the Trustee and the "son" is only an income beneficiary of the trust. The trust is the owner and none of the persons involved have even a remainder interest in the property. On March 6, 1985 the matter was heard before a Hearing Officer. The Hearing Officer found that the eviction did not comply with Section 37.9(A)(8) because Celeste Arnoldi whose son was to occupy the unit was



"not the owner of an "interest" in the property as that term is used in the Ordinance". The Hearing Officer further found that a comparable unit was available. The recommendation of the Hearing Officer was that "The Board should take appropriate action if the eviction is pursued."

MSC: To write a letter stating that there is no just cause for the eviction in this case and that no further action will be taken unless there is an attempt to proceed with the eviction.  
(Alviar/Marshall: 4-0).

B. Hearings

1. 343 San Jose Ave., Apt. A (F104-21(E)).

Commissioner Payne disclosed that he had done business with Landmark Realty five years ago. He would excuse himself if there were any objections. No objections were raised.

Appeared: Craig Blackstone, representative for tenant; Ana Contreras, tenant; Edgar M. Chavez, interpreter. No one appeared for Landmark Realty or Robert Imhoff.

The tenant provided testimony through an interpreter that the landlord raised the rent from \$306 to \$425 when she did not pay, the landlord served a 3-day notice. An unlawful detainer was filed February 11, 1985.

The tenant was the wife of the original tenant and has lived in this unit since 1976. The Hearing Officer found the rent increase was not allowed by the Rent Law and that this was a wrongful eviction.

MSC: To refer this case to the City Attorney and to the District Attorney and to make this case a priority of the Eviction Unit.  
(Marshall/Alviar: 4-0).

VIII. Old Business

- A. Board members discussed briefly the filing of Conflict of Interest statements.
- B. 285 Turk St.: Board requested that the staff send them all necessary material in preparation for this case.



- C. Board members expressed their enjoyment of last week's Round Table discussion and their concern over the poor turnout. The Director stated that he had received numerous calls from citizens interested in participating in future discussions.
- D. 899 Pine St.: The ruling of the Board stands and counsel for both parties will be so instructed.

MSC: Parties are given five (5) days to submit figures to the Rent office and the request for reconsideration of the Board's decision of March 5, 1985, is denied.  
(Alviar/Marshall: 4-0).

IX. New Business

- A. Necessary changes will be made on the Notice of Appeal Hearing form to indicate whether a case has been taken de novo or on the record.

X. Appeal Hearing

- 1. 1700-1710 10th Ave. (F26-25(A))

Landlord appealed Hearing Officer's determination (November 19, 1984) in which tenant-petitioner McDowell was awarded a temporary total rent reduction plus her filing fee and tenant-petitioner Picone was awarded same plus an ongoing reduction per month for garage space until the services were restored.

The Board considered the following points alleged as errors by the landlord: (1) Denial of due process and fundamental fairness; (2) monthly reduction for the garage - landlord claims evidence showed tenant Picone had no right to use the garage; (3) the award of two weeks free rent was arbitrary and without support in the record; (4) inaccurate calculations in awards and damages; (5) general bias of hearing officer.

On February 19, 1985, the Board agreed to hear the case de novo.

Appeared: Daniel Buchalter, attorney for the landlord; Mary China and Ron China, landlords; Jeanne Hook, observer; Ronald Pimentel, observer.

Mark Coby, attorney for tenant Picone; Martin L. Dean, attorney for tenant McDowell; Rosemary Picone and Jo-Anne McDowell, tenants.



Attorney for tenant McDowell requested a postponement because he alleged that he was not notified that the Board would be hearing the case de novo.

There was discussion and deliberation.

MSC: To grant a postponement to April 9, 1985, at which time the Board will hear this case de novo.  
(Marshall/Alviar: 3-1; Payne dissenting).

XI. Calendar Items

March 26, 1985

Executive Session  
No appeal considerations  
1 wrongful eviction consideration  
1 appeal hearing  
Old Business:  
a. Retreat items  
b. Tenant's petition for failure to repair

April 2, 1985

3 appeal considerations

April 9, 1985

1 appeal hearing (1700-1710 10th Ave.)

XII. Remarks from the Public

- A. Mr. Jim Faye asked if the case just heard, 343 San Jose Ave., was the kind of case that the District Attorney would prosecute and would the public be kept informed regarding the status of the investigation.
- B. Mr. Faye suggested to the Board to make the necessary changes in the Notice of Appeal form to avoid unnecessary delays in the proceeding of cases.

XIII. Adjournment

Vice-President Payne adjourned the meeting at 7:25 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
March 26, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

5:30 IV. Executive Session

V. Consideration of Appeals

No appeal Considerations this week.

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

1. 809 Corbett

IX. Old Business

A. Retreat items

B. Tenant's Petition for failure to maintain and  
repair

C. 899 Pine Street

X New Business

6:00 XI. Appeal Hearing

A. 285 Turk Street

XII. Calendar Items

XIII. Remarks from the Public

XIV. Adjournment

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FEB 26 1985

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, March 26, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Carrico, Chinchilla, Jackson,  
Payne  
Commissioners not Present: Alviar, Moy  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Marshall came on the record at 5:43 p.m.;  
Commissioner Chan came on the record at 5:45 p.m.; Commissioner  
Jackson went off the record at 7:25 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 19, 1985,  
with the following corrections: Page 2,  
Section VI., C., 4th line: litigated; page  
3, Section VII., B. 1., 3rd paragraph, 2nd  
line: "...from \$306 to \$425;".

IV. Executive Session

Ms. Kathryn Pennypacker of the City Attorney's Office, presented  
the Board with an update on litigation concerning Imhoff v. Rent  
Board.

V. Consideration of Appeals

DOCUMENTS DEPT.

There were no appeal considerations.

APR 2 1985

VI. Communications

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The following material was presented to the Board:

- A. Copy of a newspaper article concerning the property at 343  
San Jose Avenue, Apt. A (F104-21(E)). This case was heard  
before the Board on March 19, 1985.
- B. Letter from the Hearing Officer concerning 544 Church  
Street, #302 (Appeal No. F26-29(A)).



- C. Newspaper article covering the constitutionality of a Santa Monica rent control policy preventing demolition of low and medium cost apartments.
- D. Copy of a letter to a tenant delivered to the Rent Board in which the landlord is offering the tenant \$1,200 to vacate his premises.
- E. Letter from the Eviction Unit Supervisor to the Associate General Counsel of Grosvenor Properties Ltd., concerning the property of 899 Pine Street (F26-16(A)).
- F. Letter from the attorney for the property of 148- 21st Avenue (E66-21(E)) informing the Rent Board on the status of the case in compliance with the Board's ruling.
- G. Letter for the President's signature to the trustees of the property at 495 Francisco Street (F104-5(E)).

VII. Director's Report

- A. The Director made a formal request to the Board which would allow staff to call the maker of a motion directly for the purpose of clarifying or elucidating a point before the staff writes a decision, in those cases where the President cannot be reached.
- B. Ruth Astle and Richard Vitrano will be manning a housing information booth at the Apartment and Condominium show, to be held at the showplace concourse, on March 28, 29, and 30, 1985.

VIII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

1. 809 Corbett St. (E62-14(E))

The tenant vacated the unit in November of 1983 because of extensive smoke and water damages and shut off utilities. The tenant has the right to reoccupy under 37.9(a)(11) after the Capital Improvements are completed. The landlord's attorney claimed Substantial Rehabilitation in January of 1984.

A hearing was held June 12, 1984. Because the building was insured and the cost of the work was paid for in great part by that insurance and because the landlord did not show that the amount spent was 50% of the asset value, the hearing officer found that the building did not come under 37.9(a)(12) (substantial rehabilitation). She also found no just cause for



permanently evicting the tenant and that the tenant did not voluntarily vacate, but was forced out by the fire.

The landlord, on the advice of counsel, ignored the hearing officer and in May of 1994 re-rented the unit to new tenants.

In October of 1984, the tenant's attorney filed a Wrongful Eviction Suit.

The landlord has changed attorneys and serious settlement negotiations have begun.

The Board decided to postpone its decision on this case until April 2, 1985.

IX. Old Business

- A. The Board decided to reschedule the following items for discussion at a special meeting on April 16, 1985:

1. Retreat Items
2. Tenant's Petition for Failure to Repair

- B. 899 Pine Street (F26-16(A))

Landlord appealed Hearing Officer's decision to deny the utility pass-through finding that the landlords did not meet their burden of proof. This case involves a complicated problem in how to calculate a utility pass-through based on the available evidence for this building.

An appeal hearing was heard on March 5, 1985. At that time the Board directed lawyers of both parties to get together to arrive at the correct figures and to submit same to the Rent Board office by March 8, 1985, in order to complete a written decision for the Board's signature.

On March 19, 1985, the Board voted (4-0) to give parties five (5) days to submit figures to the Rent Board and to deny a request for reconsideration of its decision of March 5, 1985.

Staff reported to the Board that, as of today, Nancy Lenvin, attorney, had submitted a table of figures. Commissioner Carrico will consult with Ruth Astle and the Director, in writing the decision.

This matter was postponed until April 2, 1985.





X. New Business

A. On the request to the Board by the Director:

MSC: Staff are free to call any makers of a motion about the meaning of that motion when they cannot find the president.  
(Marshall/Carrico: 4-0).

- B. The Board asked if there was a special petition form for substantial rehabilitation. The Director explained that existing Landlord Petition for Arbitration forms were used for this purpose.
- C. Planning Commission is planning to exempt artist live/work space from the Rent Ordinance. It was suggested that the Rent Board send a letter to the Planning Commissioners. However, it was decided that, before doing so, Ms. Alicia Wicks, staff member, should be invited to report to the Board on this issue at the meeting of April 2, 1985.

XI. Appeal Hearing.

- A. 285 Turk St. (D10-3(A)) (originally heard July 26, 1983 and August 2, 1983.

Landlord appealed Hearing Officer's decision of May 25, 1983. This case was originally heard as a result of tenant petitions for arbitration and tenant reports of alleged wrongful eviction.

In her decision, the Hearing Officer: (1) found that the building was still under the jurisdiction of the Rent Board until such time as could be determined that landlord had completed substantial rehabilitation; (2) ordered that the tenants' rent remain at their original levels; (3) found the eviction notices were given before "all necessary permits had been obtained and were therefore invalid."

Landlord filed an appeal on June 10, 1983 and it was accepted by the Rent Board de novo and a hearing was held on July 26, 1983, and was continued to August 2, 1983. On November 20, 1984, the Board voted to reconvene the appeal hearing to determine if substantial rehabilitation had occurred.

Appeared: Ralph L. Coffman, attorney for landlord; Richard L. Mills, witness.

Brent Kato, tenants' representative and Ignacio Antonio, representative (not represented by Mr. Kato).



The President stated that the issue in this case is that the Board was reconvening to determine if substantial rehabilitation, <sup>correction</sup> has occurred and to clarify the procedures for arriving at that decision.

Both parties offered testimony on their behalf and after discussion by the Board a motion was made as follows:

- MSC:
1. That the landlord be given until April 23, 1985, to submit additional evidence.
  2. That the tenants be given ten (10) days to review the evidence submitted by the landlord (by April 15, 1985).
  3. To reconvene the hearing on April 23, 1985, to examine all evidence presented, accept testimony from tenants, and decide the issue at that time. (Marshall/Chinchilla: 3-1; Payne dissenting).

The landlord was directed to supply addressed envelopes by Friday, March 29, 1985, to mail notices to the tenants.

## XII. Calendar Items

April 2, 1985

- 3 Appeal Considerations
- 2 Reports of Wrongful Eviction

### Old Business

899 Pine Street  
809 Corbett Street  
Artist live/work exemptions

April 9, 1985

- 2 Appeal Considerations
- 1 Appeal Hearing

April 16, 1985

- 3 Appeal Considerations

### Old Business

Retreat Items  
Tenant's Petition for Failure to Maintain



XIII. Remarks from the Public

- A. Connie Gold: In reference to the wrongful eviction case of 809 Corbett, Ms. Gold felt that the Board should not hesitate to go after small landlords, since they were a sizeable group in this city and that we needed to make examples of small and big landlords.
- B. Mr. Jim Faye suggested that when we send the notices to the tenants of 285 Turk, we also inform them that the files were available to them for their inspection and that we make arrangements beyond our normal procedure, including informing them that they have a right to read available files. He pointed out that the odds were that the tenants were not "hip" to what this case was all about, thereby rendering our notices meaningless.

Mr. Faye also stated to the Board that he had some serious concerns on the use of estimators and how they did their work.

On the issue of landlords offering money to tenants to induce them to vacate, he told the Board that there was nothing they could do about it and the going price was \$1,200.

XIV. Adjournment

President Chinchilla adjourned the meeting at 8:36 p.m.

3/28/85:ap





SF  
R52  
#1  
4/2/85

NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 2, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

\*\*\*\*\*

- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 811 Pierce St. (F26-28(A))
  - B. 544 Church St. (F26-8(A))
  - C. 5- Third Ave. (F26-30(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - A. Report from Staff
    1. 503 Grove St. (F104-16(E))
    2. 33 Moulton St. (F100-24(E))
- VIII. Old Business
  - a. 899 Pine St. (F26-16(A))
  - b. 809 Corbett (E62-14(E))
  - c. Artist Live/Work (AW)
- IX. New Business
- X. Appeal Hearing

No appeal hearings
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

3/27/85:ap

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APR 2 1985

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, April 2, 1985 at 5:30 p.m.  
at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:30 p.m. DOCUMENTS DEPT.

II. Roll Call

APR 15 1985

Commissioners Present: Chinchilla, Marshall, Payne  
Commissioners not Present: Jackson, Moy, Waller  
Staff Present: Astle, Ruiz, Wicks

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Commissioner Chan came on the record at 5:32 p.m.; Commissioner Alviar and Curran came on the record at 5:35 p.m.; Commissioner Carrico came on the record at 6:05 p.m., he was off the record at 6:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 26, 1985 with the following correction: Page 4, Sec. X., B., second line: "substantial rehabilitation certification." (Marshall/Payne: 3-0).

IV. Consideration of Appeals

## A. 811 Pierce St. (F26-28(A))

Landlord appealed Hearing Officer's decision of January 25, 1985, in which the Hearing Officer found a decrease in housing services and a corresponding reduction of the base rent was awarded until such time as all evidenced defects were corrected. It appears that there was a mistake in the scheduling.

MSC: To remand this case to a new Hearing Officer and to instruct the staff to send a letter to the previous Hearing Officer explaining that the decision to send the case to a new Hearing Officer was not a reflection on the quality of his work. (Marshall/Chinchilla: 3-1; Alviar dissenting).

## B. 544 Church St. (F26-8(A))

Tenant appealed a stipulated agreement signed at the hearing which was held on March 6, 1985. The case was originally heard November 30, 1984, at which time he was awarded a reduction in rent due to a denial of use of the garage space. Landlord appealed this decision and the Board accepted the appeal on January 15, 1985, and remanded the case for a new hearing which was scheduled for March 6, 1985.

MSC: To uphold the Stipulation and deny the appeal.  
(Payne/Chinchilla: 4-0).



C. 5- 3rd Ave. (F26-30(A))

Landlord appealed Hearing Officer's decision of January 24, 1985, awarding the tenant a reduction in the base rent due to a substantial decrease in services.

MSC: To continue the case for one week for clarification from the Hearing Officer. (Marshall/Payne: 4-0).

V. Communications

The Board received the following material:

- A. After discussion with the City Attorney and pursuant to the Trocadero case (which holds that a board must make findings). The Eviction Unit requested the Board to amend their written findings in Case No. F104-21(E), Ana Contreras-Dubon conform with the proof presented at the hearing on March 19, 1985
- B. Letter from attorney Charles Stuhr requesting clarification on the issue of substantial rehabilitation. The Board decided to send a letter referring him to Section 37.2(p)(6) of the Ordinance.

VI. Director's Report

Ruth Astle and Richard Vitrano shared a booth with the Human Rights Commission and Old Saint Mary's Housing, at the Apartment and Condominium show, held on Marsh 28, 29, and 30, 1985.

VII. Consideration of Allegations of Wrongful Eviction

A. 33 Moulton St.

The landlord served an eviction notice on the tenant on November 30, 1984 to be effective December 31, 1984, giving owner occupancy as the just cause, then offered to let him stay if he would pay an increase in rent from \$572 to \$850. A comparable unit was available from November 1, 1984 to February 1, 1985.

MSC: To write a stern letter from the Board stating that if the landlord refrains from taking further action against the tenant, no further action will be taken. The landlord should be reminded that civil and/or criminal penalties may result if he attempts to violate the Ordinance. (Marshall/Payne: 4-0).

B. 503 Grove S., #8

The Hearing Officer essentially found this unit in violation of the habitability requirements of state and local law. She also found that the eviction attempt was not in good faith because it was in retaliation for the tenant's exercise of his rights under Green v. Superior Court and is an attempt to circumvent the Rent Ordinance.



MSC: To send a letter from the Board reiterating the law in habitability situations. Also, the letter should state that the Board will take no further action if the landlord takes no further action. (Marshall/Payne: 4-0).

### VIII. Old Business

#### A. 899 Pine St. (F26-16(A))

Landlord appealed Hearing Officer's decision to deny the utility pass-through, finding that the landlords did not meet their burden of proof. This case involves a complicated problem in how to calculate a utility pass-through based on the available evidence for this building.

An appeal hearing was heard on March 5, 1985. At that time the Board directed lawyers of both parties to get together to arrive at the correct figures and to submit same to the Rent Board office by March 8, 1985, in order to complete a written decision for the Board's signature.

On March 19, 1985, the Board voted (4-0) to give parties five (5) days to submit figures to the Rent Board and to deny a request for reconsideration of its decision of March 5, 1985.

On March 26, 1985, Nancy Lenvin, attorney for landlord, submitted a table of figures to the staff. The Board directed Ruth Astle and the Director to write the decision of this case in consultation with Commissioner Carrico. This matter was postponed until April 2, 1985.

On April 2, 1985, a letter was submitted to the Board listing tenants' contributions for electricity in 1981. This information had not been previously made available to the Board. Staff was instructed to change the figures to reflect tenants' contributions.

MSC<sup>1</sup>: To rescind parts 2 and 4 of the motion of March 5, 1985. (Chinchilla/Alviar: 5-0).

MSC<sup>2</sup>: To instruct both parties to use the methodology outlined in the regulations in calculating steam costs. (Carrico/Payne: 5-0).

During the Board meeting, a letter was delivered concerning the base year for calculating the P.G.&E. pass-through. The Board decided that this matter should be discussed April 9, 1985. Opposing counsel should be notified.

#### B. 809 Corbett St. (E62-14(E))

The tenant vacated the unit in November of 1983 because of extensive smoke and water damages and shut off utilities. The tenant has the right to reoccupy under 37.9(a)(11) after the Capital Improvements are completed. The landlord's attorney claimed Substantial Rehabilitation in January of 1984.



A hearing was held June 12, 1984. Because the building was insured and the cost of the work was paid for in great part by that insurance, and because the landlord did not show that the amount spent was 50% of the asset value, the Hearing Officer found that the building did not come under 37.9(a)(12) (substantial rehabilitation). She also found no just cause for permanently evicting the tenant and that the tenant did not voluntarily vacate, but was forced out by the fire.

The landlord, on the advice of counsel, ignored the Hearing Officer and in May of 1984 re-rented the unit to new tenants.

In October of 1984, the tenant's attorney filed a Wrongful Eviction Suit.

The landlord has changed attorneys and serious settlement negotiations have begun.

The decision on this case was postponed from March 28, 1985, to gather further information. The Board decided to send a letter to the City Attorney requesting advise on the matter of how to calculate damages in wrongful eviction cases.

This case will be considered upon receipt of City Attorney's communication to the Board.

- C. Alicia Wicks, staff attorney, presented the Board with an update on the issue of Artist Live/Work quarters and the intent of the code.

Commissioner Payne will draft a letter in consultation with Ms. Wicks to be forwarded to the Planning Commission explaining the policy of the Rent Board regarding this issue.

IX. New Business

The Board welcomed two new Commissioners: Father Robert F. Curran and Mr. Richard C. Waller.

X. Appeal Hearings

None

XI. Calendar Items

April 9, 1985

2 appeal considerations  
4 reports of wrongful eviction  
1 appeal hearing

Old Business

899 Pine St.





April 16, 1985

3 appeal considerations

Old Business

Retreat items

Tenant's petition for failure to maintain

April 23, 1985

3 appeal considerations

2 appeal hearings

XII. Remarks from the Public

Connie Brandon on the issue of Artist Live/Work: She feels that programs like this, designed to help people, destroy the character of neighborhoods and that their ultimate goal is to create office space.

XIII. Adjournment

President Chinchilla adjourned the meeting at 7:18 p.m.

4/4/85:ap

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4/9/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
April 9, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 990 Fulton St. #206 (F26-32(A))
  - B. 689- 47th Ave., #1 (F26-31(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - A. Report from Staff
    - 1. 31 Landers (F98-13(E))
    - 2. 257 States (F102-25(E))
    - 3. 761 Clayton (F102-1(E))
    - 4. 1141 So. Van Ness Ave., #1 (F104-26(E))
- VIII. Old Business
  - 899 Pine St. (F26-16(A))
- IX. Appeal Hearing
  - 1. 1700-1710- 10th Ave. - De Novo (F26-25(A))
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

DOCUMENTS

APR 9 1985

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4/4/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, April 9, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Payne  
Commissioners not Present: Chan, Moy  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Waller and Curran came on the record at 5:35  
p.m.; Commissioner Jackson came on the record at 5:40 p.m.;  
Commissioner Carrico came on the record at 6:44 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 2, 1985.  
(Alviar/Marshall: 4-0).

DOCUMENT 1

IV. Consideration of Appeals

APR 23 1985

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A. 990 Fulton St. #206 (F26-32(A))

The tenant appealed the Hearing Officer's determination  
allowing a 7 percent additional rent increase due to  
increased operating and maintenance costs.

MSC: To uphold the Hearing Officer's decision  
and deny the appeal. (Payne/Alviar: 4-1;  
Marshall dissenting).

B. 689 - 47th Ave. (F26-31(A))

The tenant appealed the Hearing Officer's determination  
that allowed a rent reduction due to a decrease in  
services, but disallowed a reduction in rent for a torn  
rug. The tenant claimed the Hearing Officer did not  
address a hardship claim. The Hearing Officer decided  
that the owner had not waived his right to charge more  
rent for an additional tenant because the  
tenant-petitioner had not sufficiently proved that the  
landlord had notice that an additional person resided in  
the unit.

MSC: To uphold Hearing Officer's decision and  
deny the appeal. (Payne/Carrico: 5-0).



C. 5- Third Ave. (F26-30(A))

The landlord appealed the Hearing Officer's decision of January 24, 1985, awarding the tenant a reduction in the base rent due to a substantial decrease in services. On April 2, 1985, the Board decided to continue the case to April 9, 1985, in order to obtain further clarification from the Hearing Officer.

MSC: To excuse Commissioner Carrico from consideration of this appeal.

MSC: To uphold the Hearing Officer's decision, incorporate the clarification of the Hearing Officer and deny the appeal. (Payne/Alviar: 4-0).

V. Communications

The Board received the following material:

- A. A letter thanking the Director for agreeing to appear on KYUU's Sunday morning live talk and call-in show on April 14, 1985.
- B. Letter from Old St. Mary's Housing Committee thanking the Director for his appearance on April 3, 1985.
- C. Newspaper article which appeared in the Potrero View as an April Fool's hoax stating that the San Francisco Rent Ordinance had been eliminated. The Director informed the Board that this office had received numerous calls and that the editor of said newspaper had apologized to the Rent Board.
- D. Letter from Ms. Ruth Astle, Eviction Unit Supervisor, to Kathryn Pennypacker, Deputy City Attorney, requesting an opinion on how to calculate damages in wrongful eviction suits.

VI. Director's Report

The Director presented the Board with a copy of the Budget for FY 1985-1986. The Board requested that this item be scheduled for discussion on April 16, 1985

VII. Consideration of Allegations of Wrongful Evictions

- A. 31 Landers St. #3 and 4 (F98-13(E))

The landlord claims that the building is exempt from the Ordinance based on owner-occupancy. The Hearing Officer found after considerable evidence on both sides that the unit was not owner-occupied. Among other evidence, there





was an attempt at deception on the part of the landlord by back dating the homeowners exemption. The hearing was held March 12, 1985; the homeowners exemption was dated March 14,

1984 with a notary stamp of March 15, 1985. A check with the Assessors Office revealed the exemption was not submitted until March 15, 1985.

MSC: To write a stern letter of warning to the landlord with a copy to the attorney, that the Board will continue to monitor this situation, and that should the landlord persist, the Board will pursue civil and/or criminal action. The Board instructed staff to make reference to the deception in the letter. (Payne/Alviar: 5-0).

- B. 257 States (F102-25(E))
- C. 761 Clayton St. (F102-1(E))

The landlord gave notices to the tenants in both cases stating:

"You are further notified that you are in violation of Section 37.9E and including but not limited to Section 37.9(a)(5) and (6) and all other sections...."

The Hearing Officer recommends that the Board intervene with injunctive relief.

MSC: To write a letter to the landlord and his attorney outlining the requirements for specific notice and reminding them that further action can and will be taken if they do not comply by April 23, 1985. (Payne/Alviar: 5-0).

- D. 1141 So. Van Ness Ave., #1 (F104-26(E))

The landlord seeks to evict the tenant to occupy the unit. However, the landlord is presently living in this ten unit building and claims she wants to move because the unit in question has a better view of the entrance of the building.

The landlord also raised the rent from \$275 to \$325. The Hearing Officer found this increase 18.18% to be null and void.

MSC: To write a letter reminding the landlord that they must have a just cause and seek to evict in good faith and with honest intent. If the landlord takes no further action, then the Rent Board will take no further action. (Payne/Alviar: 5-0).



E. 528 Vidal Dr. (F110-28(E))

The landlord is attempting to evict an original tenant because the term of the lease has expired and the tenant who actually signed the lease is leaving.

The Hearing Officer found that the landlord has no just cause for eviction.

The matter was heard in court on April 4, 1985. The judge sustained a demurrer for the tenant on the grounds that the pleadings were not sufficient because there was no notice attached.

MSC: Write a stern letter reminding the landlord of the just cause provisions. Also, the letter should state that further action will be considered if the landlord pursues the eviction. (Payne/Alviar: 5-0).

VIII. Old Business

899 Pine St. (F26-16(A))

Landlord appealed Hearing Officer's decision to deny the utility pass-through, finding that the landlords did not meet their burden of proof. This case involves a complicated problem in how to calculate a utility pass-through based on the available evidence for this building.

An appeal hearing was heard on March 5, 1985. A proposed decision was submitted by staff.

MSC: To approve the decision of the Board.  
(Marshall/Payne: 5-0).

IX. New Business

A. The redrafting of Section 4.11 concerning P.G.&E. pass-throughs will be discussed at the April 16, 1985 meeting.

B. The Board welcomed newly-appointed Commissioners Richard C. Waller and Father Robert Curran.

X. Appeal Hearing

1. 1700-1710- 10th Ave. (F26-25(A))

Landlord appealed Hearing Officer's determination (November 19, 1984) in which tenant-petitioner McDowell was awarded a



temporary total rent reduction plus her filing fee and tenant-petitioner Picone was awarded same plus an ongoing reduction per month for garage space until the services were restored.

On February 19, 1985, the Board agreed to hear the case de novo. On March 19, 1985, attorney for tenant McDowell requested a postponement because he alleged that he was not notified that the Board would be hearing the case de novo.

Appeared: Daniel Buchalter, attorney for the landlord; Mary China and Ron China, landlords; Jeanne Hook, witness; Ronald Pimentel, witness; Martin L. Dean, attorney for tenant McDowell; Rosemary Picone and Jo-Anne McDowell, tenants.

Testimony was given by both parties. Documents and photographs were introduced as evidence.

MSC: To uphold Hearing Officer's decision, to make technical corrections and to divide the award of \$40 for the reduction for garage space between the two tenants, with the provision that this does not determine any future value of the garage. (Carrico/Payne: 5-0).

#### XI. Calendar Items

April 16, 1985

- 3 Appeal considerations
- 2 Considerations of wrongful eviction

#### Old Business

- a. Retreat items
- b. Tenant's petition for failure to repair and maintain
- c. Redrafting of Section 4.11, PG&E pass-through
- d. Budget

April 23, 1985

- 3 Appeal considerations
- 1 Appeal hearing
- 1 Eviction hearing

April 30, 1985

- 4 Appeal considerations



XII. Remarks from the Public

None

XIII. Adjournment

President Chinchilla adjourned the meeting at 9:17 p.m.

4/11/85:ap







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4/16/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

April 16, 1985

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

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- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 550-15 Ave. (F26-34(A))
  - B. 325 Buckingham Way #803 (F26-33(A))
  - C. 3500 Market St. (F26-35(A))
  - D.
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - A. Report from Staff
    1. 499 Alabama St. (F102-29(E))
    2. 5513 Mission St. (F110-16(E))
- VIII. Old Business
  - A. Retreat Items
  - B. Tenant's Petition for Failure to Maintain and Repair
  - C. PG&E pass-through
  - D. Budget
- IX. New Business
- X. Appeal Hearing
  - None
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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APR 19 1985

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*For Board  
next week*

## ASSEMBLY BILL

No. 1378

Introduced by Assembly Member Agnos

March 5, 1985

An act to add Section 1946.2 to the Civil Code, relating to tenancies.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1378, as introduced, Agnos. Elderly and disabled tenants: just-cause eviction.

Under existing law, a tenancy created by lease terminates on the date specified in the lease, unless renewed. Under existing law, a periodic tenancy for an indefinite term may be terminated without cause by giving prescribed notice.

This bill would prohibit a landlord from terminating the tenancy of an elderly or disabled tenant, as defined, in a residential unit, other than an owner-occupied duplex, without prescribed just cause. The bill would apply to every lease or other tenancy established or renewed on or after January 1, 1986, for rental of such a residential unit to an elderly or disabled tenant, regardless of whether the tenant meets the eligibility criteria before or after commencement of the tenancy. The bill would require specified notice for termination of such a tenancy and would give the tenant prescribed civil remedies for violation of the bill's provisions. The bill would prohibit landlords from increasing rents and changing other terms in order to terminate a tenancy protected by the bill.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1946.2 is added to the Civil  
2 Code, to read:  
3 1946.2. (a) The Legislature hereby finds and declares  
4 that elderly and disabled individuals comprise a large  
5 percentage of California's population, have limited  
6 housing options, and more easily suffer the traumatic  
7 effects of displacement. Action is necessary to assist these  
8 individuals to obtain more secure living arrangements  
9 and to live fuller and freer lives.  
10 (b) As used in this section:  
11 (1) "Elderly or disabled tenant" means a tenant who  
12 is over 60 years of age or who has a physical or mental  
13 impairment which substantially limits one or more of the  
14 tenant's major life activities.  
15 (2) "Residential unit" means every dwelling unit let  
16 for human habitation, other than a dwelling unit in a  
17 structure containing not more than one other dwelling  
18 unit which is occupied by the property owner.  
19 (c) Every lease or other tenancy established or  
20 renewed on or after January 1, 1986, with respect to a  
21 residential unit occupied by an elderly or disabled tenant,  
22 may only be terminated by a landlord for just cause  
23 specified in subdivision (d). This section applies both  
24 during the term of a tenancy and subsequent to the  
25 expiration of a leasehold.  
26 (d) Tenancies specified in subdivision (c) may be  
27 terminated by the lessor or landlord for the following just  
28 cause:  
29 (1) A violation of subdivisions (2), (3), or (4), of  
30 Section 1161 of the Code of Civil Procedure.  
31 (2) The continuation of conduct by the elderly or  
32 disabled tenant upon the premises that substantially  
33 disturbs the peace and quiet of other tenants, other  
34 occupants of the premises, or of the neighbors, after a  
35 reasonable time following receipt of the lessor's written  
36 notice to cease that conduct.  
37 (3) The intentional or reckless commission of  
38 substantial damage to the premises.



(4) The continuation of negligent conduct by the elderly or disabled tenant which constitutes a violation or breach of reasonable rules and regulations generally applicable to all tenancies within the premises, after a reasonable time following receipt of the lessor's written notice to cease that conduct.

(5) A change of use of the premises permanently to other than a residential use.

(6) Personal occupation of the premises by the lessor as the principal place of residence of the lessor.

(7) Personal occupation of the premises by the purchaser thereof, where the contract of sale provides that the tenancy shall be terminated by the date of transfer of title to the premises.

(8) The conversion of the premises pursuant to Section 11003.2, or Section 11004 of the Business and Professions Code. Termination of the tenancy pursuant to this paragraph shall not limit any rights or benefits to which the tenant may be entitled under other provisions of law.

(9) The termination of the elderly or disabled tenant's employment by the lessor, where that employment was an express condition of, or consideration for, the tenancy under a written rental agreement, and notice of termination is given as provided in Section 1946.

(e) Except as otherwise provided in this section, Section 1946 applies to termination of tenancies subject to this section. A landlord shall give not less than 90 days written notice of intent to terminate such a tenancy pursuant to paragraph (5) or (6) of subdivision (d). Termination of a tenancy pursuant to paragraph (1) of subdivision (d) shall be subject to the notice requirements of subdivisions (2), (3), and (4) of Section 1161 of the Code of Civil Procedure. Termination of a tenancy pursuant to paragraph (8) of subdivision (d) shall be subject to the notice requirements of subdivision (a) of Section 66427.1 of the Government Code.

Any notice of termination given by the landlord pursuant to this section shall specify the facts constituting the cause for the termination.





1 (f) In the event a tenancy subject to this section is  
2 terminated by a notice specifying a cause described in  
3 paragraph (5), (6), (7), or (8) of subdivision (d) and that  
4 cause does not occur within a reasonable time, the elderly  
5 or disabled tenant shall have the following remedies, in  
6 addition to any other remedy available under law:

7 (1) The elderly or disabled tenant shall be entitled to  
8 a reasonable opportunity to enter into an agreement,  
9 with the same terms and conditions that would be offered  
10 to other potential tenants, before any other potential  
11 tenant is offered such an opportunity, for the hiring of the  
12 same or comparable residential premises of the landlord.

13 (2) In any action for damages by the elderly or  
14 disabled tenant under this subdivision, the landlord shall  
15 bear the burden of proving that termination of the  
16 tenancy was in good faith. An award of damages to the  
17 tenant in such an action shall be for an amount not less  
18 than five hundred dollars (\$500).

19 (g) In addition to any other remedies available under  
20 law or under the lease or the rental agreement, a  
21 qualified tenant may commence an action against the  
22 lessor for breach of contract for termination of the  
23 tenancy without just cause in violation of this section. In  
24 any action for possession of the premises, including an  
25 action for unlawful detainer, the lessor shall bear the  
26 burden of proving just cause, and a set-off for appropriate  
27 damages may be ordered by the court.

28 (h) As a condition to granting a motion for the  
29 continuance of the proceedings in an action for unlawful  
30 detainer to evict an elderly or disabled tenant claiming a  
31 defense under this section, the court may, where a  
32 finding is made as to need, require the elderly or disabled  
33 tenant to prove he or she has deposited, if so ordered, in  
34 a federally insured trust account for the benefit of the  
35 landlord, if the landlord prevails, an amount not to  
36 exceed that which would be due and owing to the lessor  
37 for the period of continuance requested by the tenant.

38 (i) No landlord may increase the rental charges or  
39 make any change of substance in the terms or conditions  
40 of a rental agreement for the purpose of securing the



1 termination of a tenancy subject to this section. In any  
2 action by the lessor for damages or for possession of the  
3 premises, including an action for unlawful detainer, the  
4 elderly or disabled tenant may raise as an affirmative  
5 defense the violation of this subdivision.

6 (j) No rental or lease agreement for the hiring of  
7 residential real property shall contain a provision by  
8 which an elderly or disabled tenant waives the rights  
9 provided under this section. Such a waiver shall be  
10 deemed void and unenforceable as contrary to public  
11 policy.

12 (k) The rights specified in this section apply regardless  
13 of whether the tenant commences to meet the criteria for  
14 an elderly or disabled tenant prior or subsequent to the  
15 effective date of the lease or rental agreement.

O





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 16, 1985 at 5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Chan, Chinchilla, Jackson, Marshall, Payne  
Commissioners not Present: Alviar, Carrico  
Staff Present: Astle, Hernandez, Wicks, Wolf

Commissioner Curran came on the record at 5:37 p.m.;  
Commissioner Moy came on the record at 5:38 p.m.; Commissioner Waller came on the record at 5:41 p.m.; Commissioners Chinchilla and Jackson went off the record at 7:55 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 9, 1985 with the following corrections: Page 1, Sec. IV, B: the motion was made by Commissioners Payne and Carrico, and not Marshall and Alviar; page 2, item C: the motion was made by Commissioner Payne instead of Commissioner Marshall, and a motion to excuse Commissioner Carrico from consideration of this appeal was made and carried by the Commissioners; item VII: only one motion was made and carried regarding the following of staff's recommendations on considerations of allegations of wrongful eviction; page 5, MSC: delete the word "ongoing."  
(Marshall/Curran: 5-0).

DOCUMENTS DEPT.

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IV. Consideration of Appeals

A. 550- 15th Ave.

Tenant filed a petition for a rent reduction for decreased services based on a lack of heat. Tenant appealed Hearing Officer's decision awarding a 10% reduction in rent based on her feeling that the amount of the award was insufficient compensation and that it was not made retroactive to the actual date the landlord was first notified of the problem in writing.

MSW: To deny this appeal. (Payne/Moy)



MSC: To remand this case to the same Hearing Officer with instructions to reconsider the amount of the award and make it retroactive to October 5, 1984. (Marshall/Curran: 5-0).

B. 325 Buckingham Way #803

Tenant petitioned for a decreased services award based on the fact that painting of apartments and spraying of kitchen cabinets used to be provided to tenants every five years; landlord's new policy is that tenants must pay an additional amount if they desire such services. Hearing Officer denied tenant's petition and maintained that this case differed from a precedent case regarding this property in that this tenant provided no evidence of need for the service, nor that the service had been requested and denied. Tenant appealed Hearing Officer's decision.

MSC: To accept this case for a de novo hearing at the Board level. (Marshall/Curran: 5-0).

C. 3500 Market St.

Tenant petitioned regarding an alleged improper rent increase and decreased services due to leaks. Hearing Officer found a March 1984 rent increase null and void and granted a 4% retroactive rent reduction for the year preceding the filing of the petition. Landlord's appeal maintained that he had been given incorrect information regarding the allowable rent increase and that the leaks were not severe enough to affect habitability.

MSC<sup>1</sup>: To excuse Commissioner Curran from consideration of this appeal.  
(Marshall/Moy: 5-0).

MSC<sup>2</sup>: To remand this case to the same Hearing Officer with instructions to make Findings of Fact and rule specifically on the issue of decreased housing services.  
(Marshall/Chinchilla: 3-1; Payne dissenting).

V. Communications

The Board received the following material:

- A. A letter from Catherine Duggan thanking them for their congratulatory letter to her.
- B. An article from the Recorder about Commissioner Curran.
- C. An article from the Recorder regarding a lawsuit filed by the remaining tenants at the Astoria Hotel.





- D. A letter from a tenant thanking the Board for their efforts in the case at 899 Pine Street.
- E. A tentative decision and memo from staff regarding the case at 1700-1710 10th Avenue. An amended decision will be prepared and submitted to the Board at next week's meeting.

VI. Director's Report

- A. The Director presented the statistics for the month of March.
- B. The Director mentioned his presence on a Talk Show on radio station KYUU at 8 a.m. on Sunday, April 14.
- C. A letter from Old St. Mary's Housing Committee thanking Eviction Unit Supervisor Ruth Astle for her appearance at a workshop on evictions for their housing counselors was presented.
- D. The Director mentioned the calls staff has been receiving as a result of the suicide of landlord Guenter Kaussen.
- E. The Director briefly discussed some potential ramifications of proposed legislation by Assemblyman Art Agnos which would institute state-wide "just cause" eviction requirements for the elderly and disabled. This bill will be discussed under New Business at next week's Board meeting.
- F. The Director mentioned his presence at a luncheon workshop on the rent law for an association of property managers on April 16, 1985.
- G. The Board was notified of a Writ filed on 3145 California Street.

VII. Consideration of Allegations of Wrongful Eviction

A. Report from Staff

- 1. 499 Alabama St.

The landlord, Project Artaud, claimed to be exempt from the Ordinance as a non-profit stock corporation. As the tenants do not have an ownership interest, as required, the Hearing Officer found that the unit is not exempt and that the landlord must state a just cause for eviction. Staff recommended that a letter stating that the unit is not exempt and that the landlord must comply with Section 37.9 of the Ordinance be sent.

- 2. 5513 Mission St.

Tenant filed a petition with the Rent Board regarding necessary repairs and decreased services, and refused to pay an illegal rent increase. Landlord subsequently served



tenant with a notice to vacate without just cause, which appeared to the Hearing Officer to be retaliatory. Staff recommended that a stern letter be sent admonishing landlord, and that the Board may consider pursuing an injunction should the landlord pursue this action.

MSC: To follow staff's recommendations regarding these cases. (Marshall/Payne: 5-0).

- B. Commissioner Payne requested that the Stonestown Corporation be advised that a letter sent by them to tenants regarding capital improvement pass-throughs is contrary to the rent law. The Executive Director will contact the attorney for Stonestown.

#### VIII. Old Business

The Commissioners discussed several items brought up at the Board retreat, including:

- A. A guide to the rent law in layperson's language: to be discussed under Old Business on May 7, 1985, and the first Tuesday of every month thereafter.
- B. A budget for an "Outreach package", to be discussed at the June 4, 1985 Board meeting.
- C. A party for staff, hearing officers and commissioners, to be held at the Rent Board office on June 13, 1985 from 3-7 p.m.
- D. The office budget for 1985-1986 was reviewed and explained by the Executive Director.

The remaining retreat items will be discussed at the Board meeting on April 30, 1985, as well as regulations regarding PG&E pass-through's and tenant's petitions for failure to maintain and repair.

#### IX. Calendar Items

April 23, 1985

- 3 appeal considerations
- 2 appeal hearings

#### New Business

Agnos Bill

April 30, 1985

- 3 appeal considerations



Old Business

Budget for an "Outreach Package"/Fundraising celebration  
Continued discussion re retreat items  
PG&E pass-through  
Tenant petition for failure to repair

May 7, 1985

1 appeal hearing

Old Business

Layperson's guide to the rent law

X. Remarks from the Public

None

XI. Adjournment

President Chinchilla adjourned the meeting at 8:31 p.m.

4/18/85:ap





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4/23/85

NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday,

April 23, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

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I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Consideration of Appeals

A. 46 Castle St. (F26-37(A))

B. 917 So. Van Ness Ave. (F26-36(A))

C. 3415- 22nd St., #18 and 26 (F26-38(A))

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

A. Hearings

1. 908 Rhode Island Apt. A (con't from March 5, 1985)  
(E74-19(E))

VIII. Old Business

528 Vidal Dr. (F110-28(E))

IX. New Business

Discussion of the Art Agnos Bill

IX. Appeal Hearing

1. 285 Turk St. (Substantial Rehabilitation) (D10-3(A))

X. Calendar Items

XI. Remarks from the Public

XII. Adjournment

4/18/85:ap







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, April 23, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\* DOCUMENTS DEPT.

APR 23 1985

SAN FRANCISCO  
APR 23 1985

I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Alviar, Carrico, Chinchilla,  
Waller

Commissioners not Present: Jackson, Moy

Staff Present: Astle, Hernandez, Ruiz

Commissioners Marshall and Payne came on the record at 5:35 p.m.; Commissioner Curran came on the record at 5:44 p.m.; Commissioner Chan came on the record at 5:46 p.m.; Commissioner Marshall went off the record at 8:05 p.m.; Commissioner Chan went off the record at 8:15 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 16, 1985 with the following corrections: Page 2, Section IV., A: the motion was made Commissioner Moy instead of Commissioner Curran, 3-0; Section VI.,: Vice-President Payne adjourned the meeting instead of President Chinchilla.

IV. Consideration of Appeals

A. 46 Castle St. (F26-37(A))

Landlord appealed Hearing Officer's determination of March 6, 1985, stating that the landlord had not provided conclusive evidence that he had resided in the subject property for six continuous months. Tenant was awarded a total reduction of \$75 per month for the loss of the garage, plus his \$10 filing fee. The Hearing Officer found no evidence of wrongful eviction in this case.

MSC: To remand this case to a new Hearing Officer. (Payne/Alviar: 4-1; Chinchilla dissenting).

B. 917 So. Van Ness Ave. (F26-36(A))

Landlord petitioned Hearing Officer's determination awarding the tenant a rent reduction for deprivation of the use of the garage, plus the \$10 filing fee.

MSC: To excuse Commissioner Payne from consideration of this appeal. (Alviar/Chinchilla: 5-0).



MSC: To deny the appeal. (Carrico/Marshall: 4-0).

C. 3415- 22nd St., #18 and 26 (F26-38(A))

1. Tenant's Petition

Tenant petitioners sought clarification, by way of an appeal, of the Hearing Officer's determination of February 28, 1985, in which landlord was prohibited from imposing any future rent increases until the smoke and heat detector system was satisfactorily repaired.

MSC: To deny this appeal. (Payne/Carrico: 5-0).

2. Landlord's Petition

Landlord appealed Hearing Officer's decision of February 28, 1985, awarding tenants a one-time total of \$30 for reduced services incurred, plus the \$10 filing fee. Tenants were also ordered to deduct from their next rental payment any overpayments made as a result of a rent increase.

MSC: To deny this appeal and make a technical correction concerning the findings of a substantial reduction of services.  
(Marshall/Alviar: 3-2; Carrico, Payne dissenting).

V. Communications

The Board received the following material:

- A. Letter from Kurt E. Wilson, Attorney at Law, submitted to the Board, requesting clarification on Case No. F26-18(A), 2065 California Street, which was heard before the Board, February 14, 1985, and a new hearing de novo was held on February 28, 1985. Board instructed staff to inform Mr. Wilson to submit his request in the form of an appeal.
- B. Memo from Ruth Astle regarding the computation of damages in a Wrongful Eviction Suit. Also, letter from the City Attorney's office to Ruth Astle regarding this matter and a copy of a complaint against John Vida in the property of 80-7th Ave.
- C. Memo to the Board inviting its members to an informal "pot luck" gathering on June 13, 1985.
- D. Article from the Tenant Times covering the Rent Board Commission.
- E. Article from North of Mission News covering decision regarding the Thor Hotel, located at 2084 Mission Street.



- F. Article from the San Francisco Progress covering the appointment of Tim Carrico to the Rent Board.
- G. Letter from William C. Gordon, attorney for landlord of the property located at 1141 So. Van Ness Avenue, #1, Case No. F104-26(E).

VI. Director's Report

- A. The Director informed the Board of the swearing-in ceremonies of the new Commissioners on May 8, 1985 at 11:00

VII. Consideration of Allegations of Wrongful Evictions

Hearings.

- 1. 908 Rhode Island, Apt. A (E74-19(E)) (cont'd from 3/5/85)

The landlord gave the tenant a notice to vacate in March of 1984, stating that he and his wife wished to occupy the upstairs flat. The Hearing Officer's decision stated that the tenants produced evidence that the landlord had previously evicted tenants from two other units on the grounds that he intended to occupy then and then never did. The notice also did not comply with 37.9(b). The Hearing Officer's decision was submitted October 16, 1984. On December 20, 1984, another notice to vacate was sent on the grounds of 37.9(a)(8) for the landlord to occupy.

Appeared: Thomas Nuris, attorney for landlord; Matvai Bogdanov, landlord; Peter Bogdanov, witness.

James R. Mayock, attorney for tenant; Pat Ferraro, tenant.

Both parties presented testimony and submitted exhibits as evidence.

MSC: To find an attempted wrongful eviction.  
(Marshall/Payne: 5-0).

After an Executive Session, the Board decided to take this matter under submission and continue discussion for two (2) weeks.

VIII. Old Business

- 1. 528 Vidal St. (F110-28(E))

Ruth Astle reported to the Board on the status of this case. The Board instructed staff to schedule it for a hearing at the Board level. (Alviar/Payne: 5-0).



IX. New Business

The Art Agnos Bill was discussed briefly and scheduled for further discussion on April 30, 1985.

X. Appeal Hearing

- A. 285 Turk St. (D10-3(A)) (originally heard July 26, 1983 and August 2, 1983).

Landlord appealed Hearing Officer's decision of May 25, 1983. This case was originally heard as a result of tenant petitions for arbitration and tenant reports of alleged wrongful eviction.

In her decision, the Hearing Officer: (1) found that the building was still under the jurisdiction of the Rent Board until such time as could be determined that landlord had completed substantial rehabilitation; (2) ordered that the tenants' rent remain at their original levels; (3) found the eviction notices were given before "all necessary permits had been obtained and were therefore invalid."

Landlord filed an appeal on June 10, 1983 and it was accepted by the Rent Board de novo and a hearing was held on July 26, 1983, and was continued to August 2, 1983. On November 20, 1984, the Board voted to reconvene the appeal hearing to determine if substantial rehabilitation had occurred.

On March 26, 1985, the Board gave the landlord until April 23, 1985, to submit additional evidence and the tenants were given 10 days to review that evidence.

MSC: To find that this building has been  
substantially rehabilitated.  
(Payne/Carrico: 5-0).

In writing the decision, staff was instructed to make actual findings of fact to support the conclusion that the building qualifies as a substantial rehab.

XI. Calendar Items

April 30, 1985

- 4 appeal considerations
- 4 wrongful eviction considerations

Old Business

Proposal on Fund Raising Celebration  
Retreat Items  
PG&E Pass-Throughs





Petition for Failure to Maintain  
and Repair  
Agnos Bill

May 7, 1985

6 appeal considerations  
1 appeal hearing  
2 wrongful eviction hearings

Old Business

Writing of Rent Law Pamphlet  
908 Rhode Island

XII. Remarks from the Public

- A. Jim Faye suggested that when substantial rehabilitation is authorized, owners should be required to pass a certificate warning tenants that a building has been decontrolled.
- B. Eve Lynch felt that the Board should have attempted to elicit from the tenants information as to whether they felt that the work needed to be done because of deferred maintenance. She felt it should be the responsibility of the Board to make this type of inquiry. Several Board members gave brief explanations as to why they felt that the tenants had been given ample opportunity to provide evidence over a period of two years.

XIII. Adjournment

President Chinchilla adjourned the meeting at 9:30 p.m.

4/25/85:ap

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4/30/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

April 30, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

\*\*\*\*\*

I. Call to Order

DOCUMENTS DEPT.

II Roll Call

APR 29 1985

III. Approval of the Minutes

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IV. Consideration of Appeals

- A. 1435 Dolores St. (F28-1(A))
- B. 2301 Broadway St. #101 (F26-41(A))
- C. 225 Ellis St. (F26-42(A))
- D. 737 Pine St. (F28-2 to F28-20(A))

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

- 1. 525- 28th Ave., #3 (F74-41(E))
- 2. 20 Hancock, #1 (F116-15(E))
- 3. 2134 A Market St. (F110-8(E))
- 4. 1921 Ocean Ave. (F110-2(E))

VIII. Old Business

- A. Retreat items
- B. Failure to maintain and repair
- C. PG&E Pass-through
- D. Proposal for fund raising celebration
- E. Agnos Bill

IX. Appeal Hearing

No appeal hearings

X. Calendar Items

XI. Remarks from the Public

XII. Adjournment

4/25/85:ap

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, April 30, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

Vice-President Payne called the meeting to order at 5:41 p.m.

II. Roll Call

Commissioners Present: Alviar, Carrico, Chan, Curran,  
Marshall, Moy, Payne  
Commissioners not Present: Chinchilla, Jackson, Waller  
Staff Present: Hernandez, Vitrano, Wicks

III. Approval of the Minutes

MSC: To approve the Minutes of April 23, 1985 as  
written. (Alviar/Chan: 5-0).

DOCUMENTS DEPT.

IV. Consideration of Appeals

MAY 3 1985

## A. 1435 Dolores St. (F28-1(A))

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Tenants filed a petition alleging decrease in services due to the removal of one of the tenant's bathrooms in October 1983. Landlord appealed Hearing Officer's determination that this constituted a significant decrease in services and tenants were awarded \$25 per month from October 1983 through February 1985, plus the \$10 filing fee.

MSC: To continue this case for one week for the  
staff to investigate whether the tenants  
received the decision and notice of appeal.  
(Marshall/Alviar: 5-0).

## B. 2301 Broadway St. #101 (F26-41(A))

Tenant alleged substantial decreases in housing services without a corresponding reduction in rent and the landlord's failure to do requested repair and maintenance work as required by law. Tenant is appealing Hearing Officer's determination that the tenant had failed to show a substantial decrease in housing services but had managed to prove the landlord's failure to do requested repair and maintenance work.

MSC: To continue consideration of this appeal for  
one week. (Alviar/Marshall: 5-0).

## C. 225 Ellis St. #6 (F26-42(A))

Tenant had filed two petitions: one (1) alleging a decrease in services and failure to maintain and repair and the other alleging a wrongful eviction. There was no appearance by



either party. Tenant is appealing Hearing Officer's decision to dismiss without prejudice.

MSC: To deny without prejudice to refile.  
(Carrico/Alviar: 5-0).

D. 737 Pine St. (F28-2 to F28-20(A))

Tenants appealed Hearing Officer's decision allowing the landlord to pass through capital improvement expenses because the renovations did not benefit the tenants.

MSW: To accept this appeal de novo on the Board level. (Marshall/Chan)

MSC: To accept this appeal and remand de novo to a new Hearing Officer with specific instructions from the staff.  
(Marshall/Chan: 5-0).

V. Communications

The Board received the following material:

- A. A letter from Stonestown properties commenting on Commissioner Chinchilla's letter of April 18, 1985. Another letter from the Board will be written to further clarify the Board's position.
- B. The city of West Hollywood wrote to the Executive Director announcing their search for an independent contractor who has expertise in the area of rent control administration.
- C. A copy of an editorial from the Potrero View apologizing for a satirical series of articles which appeared in their April edition.
- D. An update from Eviction Unit Supervisor Ruth Astle with regards to the 1141 So. Van Ness case (Case No. F104-26(E)). The update will be referred to the Board when the case comes up for appeal consideration on May 7, 1985.

VI. Director's Report

- A. The Director informed the Board that the Rent Board is now in Phase C of the budget cycle.
- B. The Director discussed with the Board that there are now six Writs pending. A status report on those Writs will be prepared by the City Attorney's office.
- C. The Director mentioned that staff member Ruth Astle is on vacation until next week.
- D. The Director also announced that the first quarter of 1985 MBO goals have been reached. This is the first time in Rent





Board history that 100 percent of the MBO goals have been achieved.

VII. Consideration of Allegations of Wrongful Evictions

A. 1921 Ocean Ave. (F110-2(E))

Recommendation of Staff:

To write a letter stating that the landlord must have just cause to evict. If he proceeds, the Board will consider civil or criminal action.

B. 2134 A Market St. (F110-8(E))

Recommendation of Staff:

To write a letter warning that if the landlord pursues the eviction, the Board will consider further civil and/or criminal action.

C. 20 Hancock St. #1 and #2 (F112-33(E) and F116-15(E))

Recommendation of Staff:

Based on the Hearing Officer's decision and the fact that another notice was sent to a different tenant for the same reason on March 14, 1985, the recommendation is for the Board to hear this case to consider further action.

D. 525 - 28th Ave. #3 (E74-41(E))

Recommendation of Staff:

Based on the investigation of this case, the recommendation is for the Board to hear this case to consider further action.

E. 878 York St. (F24-27(P) and F112-1(E))

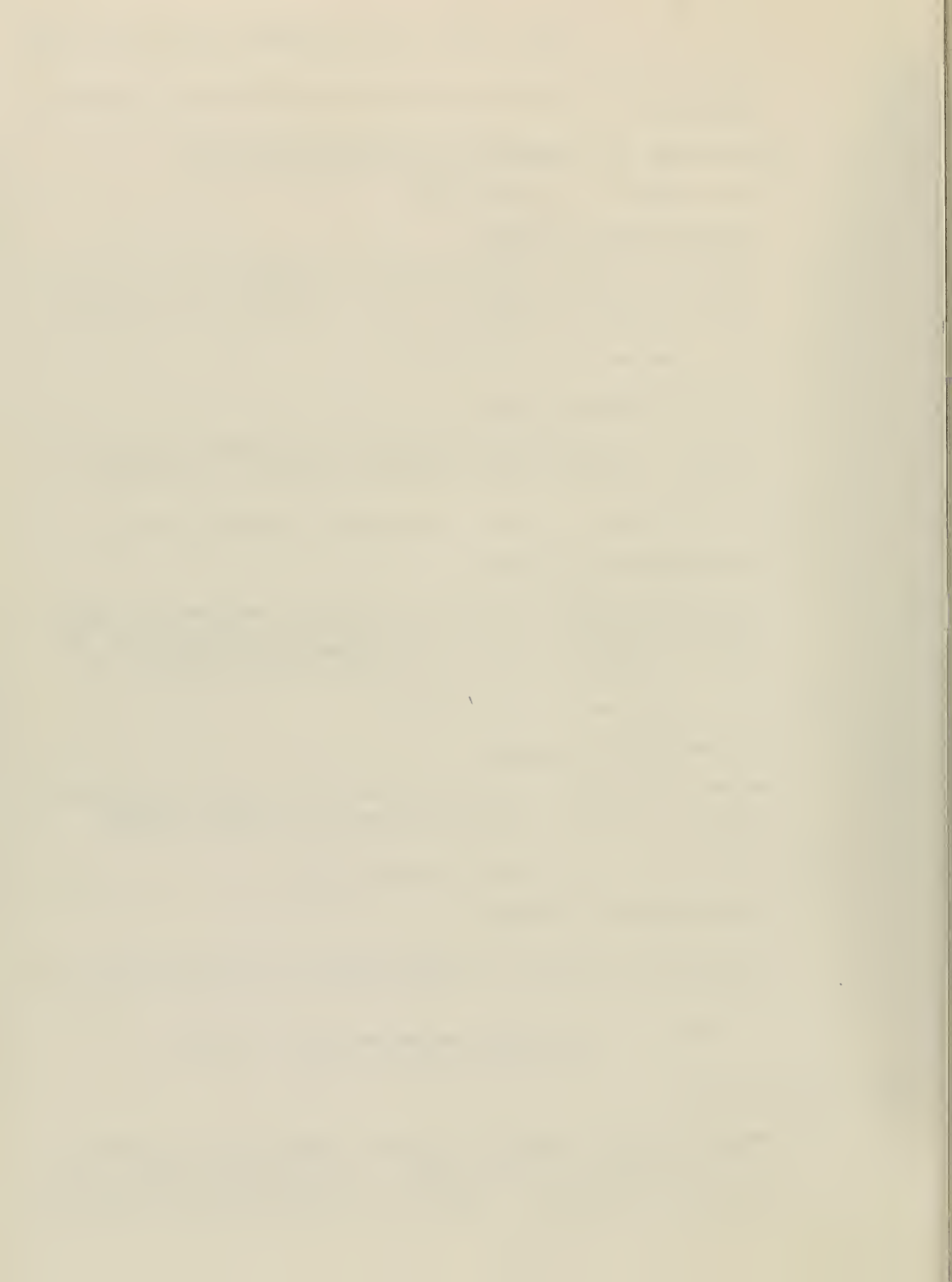
Recommendation of Staff:

To write a letter to the landlord that if the eviction of the tenant is pursued, the Rent Board will take appropriate action.

MSC: To accept recommendations of staff.  
(Alviar/Marshall: 5-0).

VIII. Old Business

- A. Retreat Items: Lengthy discussion ensued over the agenda for the retreat. Topics ranged from writing a guide to the rent law in layperson's language to securing non-attorneys as hearing officers. It was the consensus of the Rent Board



that the next "round-table" will be held on Tuesday June 25, 1985 in the Mission. Horace Mann Middle School was the Board's first choice for a physical location for a meeting. Staff will make the necessary arrangements to obtain a meeting room.

- B. Agnos Bill: Commissioner Marshall announced that the Agnos Bill has been pulled from the committee.
- C. Possible Rule changes: Possible Rule changes will be calendared and considered at a future date.

IX. Appeal Hearings

None

X. Calendar Items

May 7, 1985

8 appeal considerations  
1 appeal hearing  
2 wrongful eviction hearings

Old Business

Writing of Rent Law Pamphlet  
908 Rhode Island

May 14, 1985

2 appeal considerations

XI. Remarks from the Public

- A. Robert Sheppard, counsel for the tenants of 737 Pine St., asked that the proposed increase be stayed until a new decision is rendered.

MSF: To stay the effect of the decision of the original Hearing Officer until the next hearing is held (Marshall/Alviar: 2-3; Alviar, Carrico, Payne dissenting).

- B. Ted McCalla speaking for himself, referred to procedures for re-opening remarks from the public.
- C. Kathy Baker commented on harassment and what the Board should do about it in terms of policy.

XII. Adjournment

Vice-President Payne adjourned the meeting at 7:34 p.m.



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5/7/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

May 7, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

## AGENDA

DOCUMENTS DEPT.

MAY 3 1985

SAN FRANCISCO  
PUBLIC LIBRARY

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- |                                  |                                       |
|----------------------------------|---------------------------------------|
| A. 1141 So. Van Ness (F28-21(A)) | E. 554 Anderson St. (F28-25(A))       |
| B. 3735 Anza St. (F28-24(A))     | F. 1151 Post St. #6 (F28-26(A))       |
| C. 755 Burnett (F28-22(A))       | G. 2301 Broadway St. #101 (F26-41(A)) |
| D. 133 Clayton St. (F28-23(A))   | H. 1435 Dolores St. (F28-1(A))        |
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- A. Hearings
- p.m. 1. 528 Vidal St. (F110-28(E))
- VIII. Old Business
1. Writing of outreach pamphlet
2. 908 Rhode Island
- IX. New Business
- X. Appeal Hearing
- p.m. 1. 325 Buckingham Way #803 (F26-33(A))
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

5/2/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, May 7, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

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2 I. Call to Order

MAY 14 1985

President Chinchilla called the meeting to order at 5:34 p.m.

85 II. Roll Call

Commissioners Present: Alviar, Chinchilla, Jackson,  
Marshall, Payne  
Commissioners not Present: Moy  
Staff Present: Astle, Hernandez, Wolf

Commissioner Chan came on the record at 5:47 p.m.; Commissioners Carrico and Curran came on the record at 5:50 p.m.; Commissioner Waller came on the record at 5:56 p.m.; Commissioners Curran and Jackson went off the record at 8:27 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 30, 1985 as  
written. (Alviar/Marshall: 4-0).

IV. Consideration of Appeals

A. 1141 So. Van Ness Ave.

Tenant filed a petition regarding a verbally noticed increase in excess of the guidelines that she paid beginning in October of 1983 which Hearing Officer declared null and void. She also filed a Report of Alleged Wrongful Eviction regarding owner's stated intention to occupy her unit as it is tenant's belief that landlord already resides in the building. Landlord maintained in his appeal that he should only be required to reimburse tenant for sums overpaid since he acquired ownership of the building.

MSF: To accept this appeal de novo at the Board level including consideration of the allegation of wrongful eviction. (Payne/Alviar: 2-3; Carrico, Chinchilla and Marshall dissenting).

MSC: To deny landlord's appeal regarding the rent increase but hear the eviction case at the Board level. (Marshall/Chinchilla: 3-2; Alviar and Payne dissenting).





B. 3735 Anza St.

Landlord petitioned for certain capital improvements that were made to the building. Hearing Officer allowed the pass-through of exterior painting and new locks but disallowed the cost of a new roof as repairs necessitated by deferred maintenance. Landlord's appeal alleged that the roof had lasted twenty years and no amount of care could have avoided replacement.

MSC: To hear the issue of whether this roof constitutes a capital improvement de novo at the Board level. (Payne/Alviar: 3-2; Chinchilla and Marshall dissenting).

C. 755 Burnett St.

Tenant filed a petition protesting the imposition of a rent increase due to landlord's alleged failure to make requested repairs to her roof and a cockroach problem. Landlord failed to appear at the hearing but maintained in his appeal that he had requested a postponement and that the problems in the unit had been abated.

MSC: To remand this case to a new Hearing Officer for a de novo hearing. (Payne/Carrico: 5-0).

D. 133 Clayton

Tenants' petition requested compensation for eight years of excessive utility bills due to the fact that they paid for all gas to the water heater which supplied water to the other two units in the building as well. Hearing Officer dismissed the case due to his opinion that the Rent Board lacked jurisdiction over this matter.

MSC: To hear this case de novo at the Board level to decide the question of jurisdiction as well as the other issues in this case. (Marshall/Alviar: 3-2; Chinchilla and Payne dissenting).

E. 554 Anderson St.

Tenants filed for a decreased services award due to leaks, plumbing problems, pests and mildew. As neither party appeared at the hearing, the Hearing Officer dismissed the case without prejudice. Tenants alleged in their appeal that they had never received notice of the hearing.



MSF: To deny this appeal without prejudice to the parties for purposes of re-filing their petition. (Payne/Chinchilla: 2-3; Alviar, Carrico and Marshall dissenting).

MSC: To remand this case for a new hearing. (Marshall/Alviar: 4-1; Payne dissenting).

F. 1151 Post St. #6

Tenant filed a petition for decreased services due to the removal of garage space, pest control, conversion from a central heating system to one metered separately to tenant, and a hole in his ceiling. He also filed a Report of Alleged Wrongful Eviction regarding the loss of use of his garage. As tenant had previously been employed as the property manager, landlord's contention was that the garage use was contingent on the employment status, that a good faith effort had been made regarding the repairs, and that the conversion did not constitute a decrease in services. Hearing Officer granted a reduction for the pest control and hole in the ceiling but not for the garage space, which tenant alleged was included in his rent in his appeal.

MSC: To accept this case de novo at the Board level. (Payne/Alviar: 4-1; Carrico dissenting).

G. 2301 Broadway St. #101

Tenant alleged substantial decreases in housing services without a corresponding reduction in rent and the landlord's failure to do requested repair and maintenance work as required by law. Tenant is appealing Hearing Officer's determination that the tenant had failed to show a substantial decrease in housing services but had managed to prove the landlord's failure to do requested repair and maintenance work.

MSC: To deny this appeal (Payne/Marshall: 5-0).

G. 1435 Dolores St.

Tenant filed a petition alleging decrease in services due to the removal of one of the tenant's bathrooms in October 1983. Landlord appealed Hearing Officer's determination that this constituted a significant decrease in services and maintained that the issue was moot as it had been decided in Court.



MSC: To have staff attempt to ascertain the correct dates of tenant's occupancy and make a technical correction to the decision. If this is not possible, remand this case to the same Hearing Officer to adjust the time period for the decrease in services award due to the termination of tenancy through an Unlawful Detainer action.  
(Marshall/Chinchilla: 5-0).

V. Appeal Hearing

A. 325 Buckingham Way #803

Tenant petitioned for a decreased services award based on the fact that painting of apartments and spraying of kitchen cabinets used to be provided to tenants every five years; landlord's new policy is that tenants must pay an additional

amount if they desire such services. Hearing Officer denied tenant's petition and maintained that this case differed from a precedent case regarding this property in that this tenant provided no evidence of need for the service, nor that the service had been requested and denied. Tenant appealed Hearing Officer's decision.

Appeared: Barry Stubbs, George Detweiler and Theodore Dimitre, representatives for landlord Stonestown Corporation; Dorothy Boyesen, tenant; Landis Whistler, attorney for tenant; and Victor Epstein, witness for tenant.

MSC: Because it had previously been the landlord's practice to paint regularly without additional charges to tenants, to find a decrease in services in the amount of \$18.91 back to May 9, 1984 and discontinue this reduction in rent once the unit has been painted. (Marshall/Alviar: 4-1; Carrico dissenting).

VI. Eviction Hearing

A. 528 Vidal Dr.

Landlord is attempting to evict an original tenant because the term of the lease had expired and the tenant who actually signed the lease is leaving. Hearing Officer found that the landlord has no just cause for eviction.

The matter was heard in court on April 4, 1985. The judge sustained a demurrer for the tenant on the grounds that the



pleadings were not sufficient because there was no notice attached. Landlord amended the complaint and attached a copy of the notice; Motions for Summary Judgment filed by both sides are pending.

Appeared: Claude Scovill, property manager, and Samuel Ware, attorney, representing landlord Park Merced; Eva Lowe, tenant, and her attorney, Cathy Mosbrucker.

MSC: To find an attempted wrongful eviction.  
(Payne/Alviar: 5-0).

The Board went into Executive Session at 9:06 p.m. to discuss the cases at 528 Vidal, 908 Rhode Island and 245 Powell. They returned on the record at 9:36 p.m. after having made the following motions regarding the case at 908 Rhode Island Street:

MSF: To reconsider the previous finding of wrongful eviction in this case.  
(Payne/Carrico: 2-3; Alviar, Chinchilla, and Marshall dissenting).

MSC: To adopt the language of the May 7, 1985 memo from staff member Ruth Astle.  
(Chinchilla/Alviar: 5-0).

#### VII. Communications

The Board received the following material:

- A. Copy of a reply letter from President Chinchilla to the Stonestown Corporation regarding the proper procedure for passing through the cost of interior painting as part of operating expenses and not as a capital improvement.
- B. Memo from staff member Alicia Wicks regarding the number of minority Hearing Officers.
- C. Job announcements from the City of West Hollywood's newly formed rent control department.
- D. Monthly statistics for April, 1985
- E. Various newspaper articles regarding pending legislation and litigation.

#### VIII. Director's Report

- A. The Executive Director reported that he is attending a training session for Computer Project Managers on May 6 - 8, 1985.





- B. The Director reported that he will be on a Spanish radio call-in show on June 6 and will address the Golden Gateway Attorneys' Association on May 17.

IX. Old Business

- A. The Board briefly discussed the creation of an outreach pamphlet.

X. New Business

There was no new business.

XI. Calendar Items

May 14, 1985

2 appeal considerations  
Executive Session  
Old Business

809 Corbett (E62-14(E))

May 21, 1985

2 eviction hearings

May 28, 1985

2 appeal considerations

XII. Remarks from the Public

Ted McCalla asked for an update regarding the case at 245 Powell Street and suggested that a "Sunset Clause" be enacted on Policy Directives.

XIII. Adjournment

President Chinchilla adjourned the meeting at 9:55 p.m.





SF  
R52  
#1  
5/14/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
May 14, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

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- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

- A. 1111 - 1131 Green St. (F28-29(A))
- B. 3055 Clay St. (F28-28(A))

p.m. Executive Session (908 Rhode Island E74-19(E))

- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - A. Report from Staff

- 1. 156Q - 8th Ave. (F112-17(E), F112-26(E))
- 2. 201 Onondaga St. (F112-42(E))

VIII. Old Business

Writing of a pamphlet  
809 Corbett St. (F62-14(E))

IX. New Business

X. Appeal Hearing

No appeal hearings

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, May 14, 1985 at

5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Payne  
Commissioners not Present: Chan, Jackson, Moy  
Staff Present: Astle, Hernandez, Ruiz

Commissioner Curran came on the record at 5:45 p.m.;  
Commissioner Waller and Carrico came on the record at 5:50 p.m.;  
Commissioner Alviar went off the record at 6:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 7, 1985, as  
written, with the following exception:  
Landis Whistler appeared as a tenant  
representative, not as an attorney.

IV. Consideration of Appeals

A. 1111-1131 Green St. [F28-29(A)]

Landlord filed a petition requesting certification of  
capital improvements for approval of rent increases over the  
guidelines. This case was heard on February 4, 1985, and  
the matter was continued from that date to March 4, 1985.  
The landlord filed an Amended Petition based upon capital  
improvements and that matter was consolidated with the  
landlord's petition based upon increased operating and  
maintenance expenses.

Seven tenants filed a petition alleging decreases in  
services and/or failures to maintain and repair.  
(F30-27(P)).

Landlord previously filed petitions for increased operating  
and maintenance expenses. These cases were consolidated and  
a decision was rendered and filed on June 13, 1984. This  
decision was appealed and the appeal was denied.  
(F22-10(A)).

The tenants have raised the issues of collateral estoppel  
and res judicata contending essentially that the landlord's

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MAY 21 1985

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present petition for increased operating and maintenance expenses, based upon the alleged increase in debt service from February 1, 1983 through 1984 as compared to February 1, 1984 through 1985, is the same as the petitions previously denied in the decision filed June 3, 1984.

The Board decided to postpone its decision until May 21, 1985.

B. 3055 Clay St. [F28-28(A)]

Tenant has lived at the above property since August 10, 1979, pursuant to a 5-year lease agreement at a monthly rental of \$225. The tenant was issued a notice to vacate pursuant to Ordinance Section 37.9(a)(11). The unit was vacated August 1, 1984. It was the understanding of the parties that the tenant would find temporary housing until she was allowed to re-occupy her unit at an adjusted rent. On November 21, 1984, she was informed that the rent would be raised to \$908 per month. On November 28, 1984, the tenant filed a report of alleged wrongful eviction. (F100-3(E)).

On December 11, 1984, the landlord filed a petition for certification of capital improvement rent increase. (February 14, 1985).

Tenant appealed Hearing Officer's decision that determined that there was not a wrongful eviction.

Landlord appeals Hearing Officer's determination of the following: 1) tenant's base rent was found to be \$225 and allowed no banking; 2) refused to consider landlord's argument that the ceiling imposed by Regulation Section 6.11 should not be applied (comparables); 3) the Hearing Officer denied the cost of interior painting as a capital improvement.

MSC: To accept both the landlord's and the tenant's appeal de novo and to consider the wrongful eviction allegations.  
(Alviar/Payne: 5-0).

V. Communications

The Board received the following material:

A. Newspaper articles on the following subjects:

1. Tenants of Landmark Realty went to Superior Court seeking an injunction against huge increases in their security deposits.





2. AB 483 - Costa Bill
  3. Seminar on the San Francisco Rent Control Ordinance will be held at Lone Mountain College, May 25, 1985.
  4. Berkeley's Rent Control Law.
- B. Letter from State Senator David Roberti enumerating a significant number of bills which affect landlord-tenant law
- C: Copy of Supreme Court Case (85 Daily Journal D.A.R. 1385) which holds that a landlord is strictly liable for latent defects on premises.
- D. Letter from Arthur Zief, landlord, to the Board, regarding the property at 3055 Market Street which was appealed to the Board and was heard on April 16, 1985. This case was remanded to the same Hearing Officer and landlord refused to appear. The Board decided not to take any action at this point and directed staff to review the decision of the Hearing held on May 7, 1985. (F26-35(A) and F16-28(P)).
- E. Memo from the Board of Supervisors to all Department Heads transmitting the schedule of hearings by the Finance Committee.
- F. Letter of resignation of Ms. Ruth Astle, Eviction Unit Supervisor. The Board thanked Ms. Astle for her performance as a Commissioner and as a staff member.
- G. Appeal decisions for 528 Vidal Dr. and 285 Turk for the President's signature.

VI. Director's Report

- A. The Director informed the Board that he was attending a computer class on Structural Analysis for three days this week.
- B. The Director congratulated Ms. Ruth Astle on her recent promotion to Administrative Judge for the State of California. He also informed the Board that he had appointed Ms. Alicia Wicks as Interim Eviction Unit Supervisor and that he would be recruiting potential candidates during the next six weeks.
- C. Ms. Astle informed the Board that on this date she had conducted a training class for pro temp judges of the Municipal Court on landlord/tenant problems.



VII. Consideration of Allegations of Wrongful Evictions

A. 499 Alabama St. (F102-29(E))

The landlord, Project Artaud, claims to be exempt from the Ordinance under Section 37.2(p)(2) and Rules and Regulations Section 1.15(b) as a non-profit stock co-operation.

Tenants must have an ownership interest. That is not the case at 499 Alabama. The Hearing Officer found the unit not exempt and therefore the landlord must state a just cause for eviction.

MSC: To accept this case at the Board level.  
(Payne/Alviar: 5-0).

B. 1560- 8th Ave. (F112-17(E), F112-26(E)).

Tenants received thirty-day notice to terminate tenancy in compliance with Ordinance Section 37.9(a)(8) and filed a report of alleged wrongful eviction. The landlord has submitted an affidavit stating that the unit is sought for her daughter who intends it as the principal residence of her family.

MSC: To send a letter informing the landlord that the Board will be monitoring the situation to assure that the provisions of the Rent Ordinance are complied with.  
(Carrico/Alviar: 5-0).

C. 201 Onondaga Street (F112-42(E))

Tenant has lived at this property since March, 1977. The landlord has given the tenant an eviction notice stating that the reason is for landlord's daughter, her mother's cousin, her husband and their son to live in the flat. The landlord has given the tenant other notices to vacate stating different reasons. At the hearing of April 22, 1985, the Hearing Officer found that the landlord has not acted in good faith.

MSC: To excuse Commmsioner Alviar from this case. (Payne/Marshall: 5-0).

MSC: To send a letter warning the landlord that if he should pursue this eviction, the Rent Board will consider further civil and/or criminal action. (Marshall/Chinchilla: 5-0)



VIII. Old Business

- A. The Board will have a special meeting to discuss public information literature on May 24, 1985, at 3:00 p.m. The Board will also discuss possible changes to existing Rules and Regulations at the June 4, 1985 meeting.
- B. 809 Corbett Street (F62-14(E))  
  
This case was originally heard on March 26, 1985, and has been tabled indefinitely.

IX. New Business

None

X. Appeal Hearing

No appeal hearings

XI. Calendar Items

May 21, 1985

- 1 appeal consideration
- 2 eviction hearings

May 28, 1985

- 4 appeal considerations
- 1 appeal hearing
- 2 eviction hearings

June 4, 1985

- 5 appeal considerations
- 1 eviction hearing

Old Business

Outreach budget proposals  
Rules and Regulations Changes

XII. Executive Session

908 Rhode Island

XIII. Remarks from the Public

- A. Ted McCalla informed the Board that the Human Rights Commission has received monies for the printing of A guide to Yours Rights - for Tenants and Landlords, in Vietnamese.



- B. Connie Brandon stated that when a hearing officer cannot make a decision, the Board should weigh that factor heavily in accepting a case at the appeal level.
- C. E. Beffel, Tenant's Representative in the 1111-1133 Green Street case, informed the Board that he would be available to answer any questions. The Board informed him that it was a policy not to accept oral testimony in the consideration of appeals.

XIV. Adjournment

President Chinchilla adjourned the meeting at 7:01 p.m.

5/16/85:ap

0113A







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

May 21, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
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AGENDA

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- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 1111-1131 Green St. (F28-29(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- A. Hearings
1. 525- 28th Ave. (E74-4(E))
2. 20 Hancock #2 (F112-33(E) and F116-15(E))
- VIII. Old Business
- IX. Appeal Hearing
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

5/16/85:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, May 21, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
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I. Call to Order

Vice-President Payne called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present:

Chan, Curran, Marshall, Moy, Payne

Staff Present:

Hernandez, Ruiz, Wicks

Commissioner Jackson came on the record at 5:34 p.m.;  
Commissioner Waller at 5:37 p.m.; Commissioner Carrico at 5:50  
p.m.; Commissioner Alviar at 5:52 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 14, 1985.  
(Marshall/Curran: 5-0)

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IV. Consideration of Appeals

MAY 28 1985

## A. 1111-1131 Green St. (F28-29(A))

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Landlord filed a petition requesting certification of capital improvements for approval of rent increases over the guidelines. This case was heard on February 4, 1985, and the matter was continued from that date to March 4, 1985. The landlord filed an Amended Petition based upon capital improvements and that matter was consolidated with the landlord's petition based upon increased operating and maintenance expenses.

Seven tenants filed a petition alleging decreases in services and/or failures to maintain and repair.  
(F30-27(P)).

Landlord previously filed petitions for increased operating and maintenance expenses. These cases were consolidated and a decision was rendered and filed on June 13, 1984. This decision was appealed and the appeal was denied.  
(F22-10(A)).

The tenants have raised the issues of collateral estoppel and res judicata contending essentially that the landlord's present petition for increased operating and maintenance expenses, based upon the alleged increase in debt service from February 1, 1983 through 1984 as compared to February 1, 1984 through 1985, is the same as the petitions previously denied in the decision filed June 3, 1984.



MSC: To accept the tenant's appeal to hear the limited issues of collateral estoppel and res judicata. (Marshall/Curran: 4-1; Payne dissenting).

V. Communications

The Board received the following material:

- A. Letter from Kenneth Kealy Lee, owner of 820 Stockton Street, requesting clarification from the Board regarding the issue of exemption under 37.5 of the Rent Ordinance. The Board directed the Director to obtain advise of the City Attorney.
- B. Press release from the City Manager's Office, City of Berkeley, will hold a workshop to hear public testimony on the loss of rental housing units, on May 23, 1985. Workshop is jointly sponsored by the Housing Advisory and Appeals Board and the Rent Stabilization Board.
- C. Invitation to the First Meeting of California Rent Control Districts to be held in Sacramento, on Monday, June 10, 1985, at the Sacramento Convention Center.
- D. Memo from Deputy City Attorney to Deputy Director of the Rent Board on the subject of Fair Return Regulations.
- E. Newspaper article regarding a case pending before the First District Court of Appeal in which tenants seek protection in foreclosure cases.

VI. Director's Report

- A. The Director reiterated to the Board that Ms. Astle, Eviction Unit Supervisor, had left the Rent Board and was now working for the State of California and that Ms. Alicia Wicks had taken the position in the interim.
- B. The Director informed the Board that he had received a letter of resignation from Mr. Richard Vitrano, Citizens' Complaint Officer, and that he would be recruiting a replacement from the existing Civil Service list.
- C. The Board was informed of a meeting on Wednesday, May 29, at 2:00 p.m., to finalize a 3-year plan to automate the office using the computer. Commissioner Payne will be attending.
- D. The Director will be a participant in a radio call-in show on KIQI from 10 - 12 on June 20, 1985. The subject of discussion will be the Rent Board.



VII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

103 Park Street Apt. C (F110-9(E))

The tenant complained of a roach and rat infestation and requested pest control, suggesting that the tenants help defray the cost. The landlord refused, insisting no other tenants had complained.

Approximately six months later, Bureau of Building Inspection issued a notice of violation for a leak from tenant's kitchen into the apartment below. The landlord issued the petitioner a 30-day notice to vacate; no just cause was stated, and the advice clause was omitted.

In response to the Rent Board's inquiry, the landlord stated that repair work had to be done in the tenant's unit to stop the leak. However, no contractor had inspected the problem, no permits had been obtained, and there was no evidence that the tenant must vacate in order to make the repairs.

MSC: To write a letter reminding the landlord that she must comply with all sections of the Rent Ordinance. If she does not comply, the Board will consider taking civil and/or criminal action against her. (Chan/Marshall: 5-0).

B. Hearings

1. 525- 28th Avenue (E74-4(E))

The landlord gave the tenant an eviction notice giving as a reason that his daughter would be moving in. The tenant filed a Report of Alleged Wrongful Eviction and the landlord filed a response.

A hearing was held on April 16, 1985. The tenant moved to Oregon and did not appear but sent a letter which was received by the Board on April 1, 1985.

The tenant contends that the landlord's daughter never moved to San Francisco, which was the reason for evicting the tenant. The Hearing Officer determined that there had been an unlawful eviction.

Appearing: Nina Gee, landlord's agent, and Lana Gee, witness.

MSC: To vacate the Hearing Officer's decision and take no further action.  
(Marshall/Alviar: 5-0).





Board directed staff to place this property on a list for monitoring.

2. 20 Hancock St., #1 and 2 (F112-33 and F116-15(E))

Tenants in apartment No. 2 received an eviction notice stating owner's and/or family member's occupancy as a reason. Neither landlord nor relative moved in, but the unit was rented at a much higher rent.

Tenant in apartment No. 1 also received eviction notice for owner-occupancy.

Settlement

The Board was informed that both parties had reached a settlement agreement (Apt. #2). The Vice-President signed the stipulation which had been signed by the parties.

The Board was also informed that the tenants in apartment No. 1 would be finalizing a settlement today.

VIII. Old Business

None

IX: New Business

None

X. Appeal Hearing

No appeal hearings

XI. Calendar Items

May 28, 1985

4 appeal considerations  
1 appeal hearing  
2 eviction hearings

June 4, 1985

5 appeal considerations  
1 eviction hearing

Old Business

Outreach budget and proposals  
Rules and Regulations  
Fair Rate of Return



June 11, 1985

4 appeal considerations  
2 appeal hearings

XII. Remarks from the Public

None

XIII. Adjournment

Vice-President Payne adjourned the meeting at 6:30 p.m.

5/22/85:ap



MEMORANDUM

52  
4/85  
O All Concerned

DATE May 14, 1985

FROM Ricardo Hernandez, Executive Director

SUBJECT Special Meeting

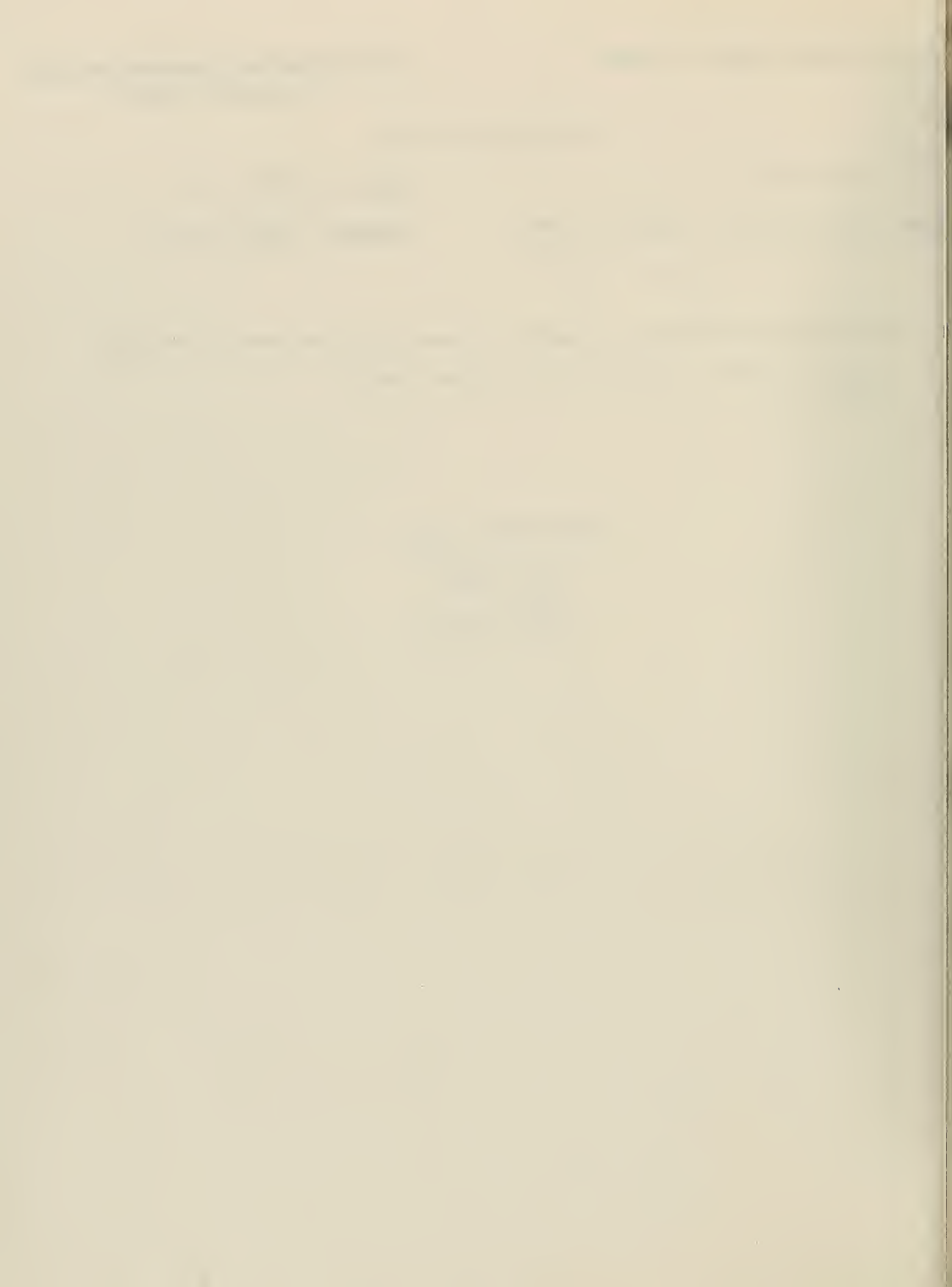
[Noted]

The Board will hold a special meeting to discuss public information literature  
on May 24, 1985 at 3:00 p.m.; 170 Fell Street, Room 16.

DOCUMENTS DEPT

MAY 23 1985

SUPPLEMENTAL  
PUBLIC LIT.





SF  
R52  
#1  
5/28/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
May 28, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
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AGENDA

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- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 3725 Anza St. #7 (F28-38(A))
  - B. 3620- 18th St. #32 (F28-39(A))
  - C. 115 Pixley St. (F28-40(A)) (originally heard 2/5/85)
  - D. 117 Pixley St. (F30-5(A)) (originally heard 2/5/85)
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - A. Hearings
    - 1. 1141 So. Van Ness Ave. #1 (F28-21(A))
    - 2. 499 Alabama St. #114 (F102-29(E))
- VIII. Old Business
- IX. Appeal Hearing
  - 1. 3725 Anza St. (F28-24(A)) (original consideration 5/7/85)
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

DOCUMENTS  
MAY 24 1985  
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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, May 28, 1985 at 5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

JUN - 7 1985

I. Call to Order

President Chinchilla called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Moy, Payne, Waller  
Commissioners not Present: Alviar, Curran  
Staff Present: Hernandez, Ruiz, Wicks

Commissioner Chan and Carrico came on the record at 5:33 p.m.;  
Commissioner Jackson came on the record at 5:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 21, 1985.  
(Marshall/Moy: 4-0).

MSC: To approve the Minutes of the Special Meeting  
of May 24, 1985. (Carrico/Payne: 4-0).

IV. Consideration of Appeals

A. 3735 Anza St., #7 (F28-38(A))

Tenant filed a petition for arbitration for decrease in services (removal of a sun deck). A hearing was held on March 26, 1985. Tenant has appealed Hearing Officer's determination that in spite of the tenants' use of the sun deck, the lease clearly provided that the roof is not covered by the lease.

MSF<sup>1</sup>: To deny the appeal. (Payne/Carrico: 2-2)

MSF<sup>2</sup>: To remand to the same Hearing Officer with instructions to review additional evidence regarding the lease. (Marshall/Chinchilla: 2-2).

B. 3620- 18th St., #32 (F28-39(A))

Tenant alleged substantial decrease in housing service (garage space) without a corresponding reduction in rent. Landlord has appealed Hearing Officer's determination that this was the case and the award of an on-going rent reduction of 20%.

MSF<sup>1</sup>: A motion to remand to the same Hearing Officer solely to determine the issue of a fair market value, failed for lack of a second. (Marshall).



MSC<sup>2</sup>: To accept the appeal at the Board level de novo. (Carrico/Payne: 4-0).

- C. 115 and 117 Pixley St. (F28-40 and F30-5(A) originally heard February 5, 1985).

This case was heard on October 17, 1984, but the draft decision of the Hearing Officer was misplaced. The tape and files were reviewed by another Hearing Officer on December 21, 1984 and a decision was rendered.

Landlord appealed Hearing Officer's determination that the detached 2-unit building at 115 and 117 Pixley Street was subject to the provisions of the Rent Ordinance and that the rent increases of 1982 and 1983, exceeded the 7% allowed subsequent to March 1, 1984. The Board upheld the appeal and remanded the case to the original Hearing Officer.

Tenants appealed Hearing Officer's determination (February 29, 1985) that the 1982 and 1983 rent increases, which were clearly in excess of the 7% limitation, would not be refunded, because tenants were aware that landlords were acting on the assumption that both properties were exempt.

MSF<sup>1</sup>: To deny both appeals. (Payne/Carrico: 1-3).

MSC<sup>2</sup>: To accept the appeal de novo at the Board level. (Carrico/Marshall: 3-1; Payne dissenting).

## V. Communications

The Board received the following material:

- A. Decision and Order of the Board of May 7, 1985, regarding the property located at 325 Buckingham Way #803, for President's signature (F26-33(A), F22-15(P)).
- B. Findings of the Board of May 21, 1985, regarding the property located at 525- 28th Ave. #3, for President's signature (E74-41(E)).
- C. Newspaper article regarding the Astoria Hotel and the Court's order to the owners to properly maintain the building.
- D. Job Announcement from the Rent Board in Berkeley for the position of General Counsel.
- E. Letter to the Board from Elizabeth Monacelli, tenant at 3500 Market St. (F26-35(A)), detailing the events at her hearing on January 10, 1985, and the landlord's deportment on that day.



F. Letter from Bernard Libanti, Attorney at Law.

G. Memo from the Real Estate Department announcing its relocation to 25 Van Ness Avenue, Suite 400, San Francisco, CA 94102.

VI. Director's Report

None

VII. Consideration of Allegations of Wrongful Evictions

A. 201 Onondaga St. (F112-42(E))

Tenant has lived at this property since March 1977. The landlord has given the tenant an eviction notice stating that the reason is for landlord's daughter, her mother's cousin, her husband and their son to live in this flat. The landlord has given the tenant other notices to vacate stating different reasons. At the hearing of April 22, 1985 the Hearing Officer found that the landlord has not acted in good faith.

On May 14, 1985, the Board ordered that a letter of warning be sent to the landlord stressing that the Board would consider further action if the eviction was pursued. On May 17, 1985, the tenant received another written notice from the landlord that he was returning her rent check, and, on May 22, 1985, another eviction notice.

MSC: To accept this case at the Board level.  
(Payne/Marshall: 4-0).

B. 20 Hancock St., #1 and 2 (F112-33 and F116-15(E)).

Tenants in apartment No. 2 received an eviction notice stating owner's and/or family member's occupancy as a reason. Neither landlord nor relative moved in, but the unit was rented at a much higher rent.

Tenant in apartment No. 1 also received eviction notice for owner-occupancy.

Settlement

On May 14, 1985, the Board was informed that both parties had reached a settlement agreement (Apt. #2). The Vice-President signed the stipulation which had been signed by the parties.

The Board was also informed that the tenants in apartment No. 1 would be finalizing a settlement. A copy of this settlement was given the Board on May 28, 1985.



MSC: To accept the settlement stipulation for  
Apartment No. 1. (Marshall/Carrico: 4-0).

B. Hearings

1. 1141 So. Van Ness Ave. (F28-21(A)).

Tenant filed a petition regarding a verbally noticed increase in excess of the guidelines that she paid beginning in October of 1983, which Hearing Officer declared null and void. She also filed a Report of Alleged Wrongful Eviction regarding owner's stated intention to occupy her unit as it is tenant's belief that landlord already resides in the building. Landlord maintained in his appeal that he should only be required to reimburse tenant for sums overpaid since he acquired ownership of the building.

On May 7, 1985, the Board denied landlord's appeal regarding the rent increase but decided to hear the eviction case at the Board level.

Appearing for the landlord: William C. Gordon,  
representative; Victor M. Casco, landlord.

Appearing for the tenant: Eloisa Luna, tenant, Maria L. Solorzano, translator, Herbert Hernandez, representative.

Testimony was received in evidence from both parties.

MSF<sup>1</sup>: To find a wrongful eviction in this case.  
(Marshall/Chinchilla: 2-2).

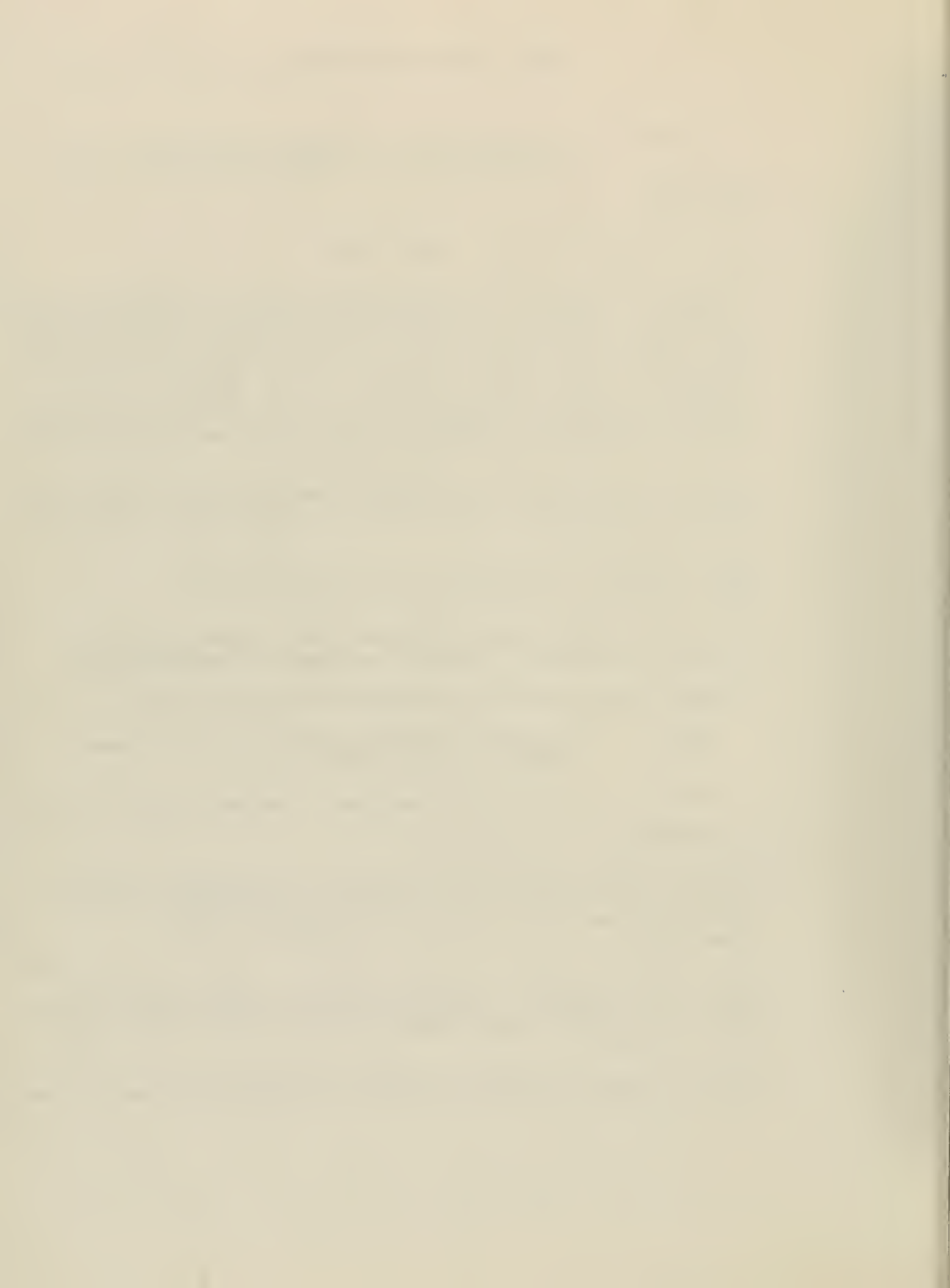
MSF<sup>2</sup>: To call the question. (Payne/Carrico: 2-2).

2. 499 Alabama St. (F102-29(E))

The landlord, Project Artaud, claims to be exempt from the Ordinance under Section 37.2 (P)(2) and Rules and Regulations Section 1.15(b) as a non-profit stock cooperative.

Tenants must have an ownership interest. That is not the case at 499 Alabama. The Hearing Officer found the unit not exempt and therefore the landlord must state a just cause for eviction.

On May 7, 1985, the Board decided to accept this case at the Board level.





Appearing for the landlord: Robert E. Mann, attorney, representative; Elizabeth Renbee, landlord/officer/tenant; Daniel Reidy, attorney, legal representative; Ingrid Harper, landlord/officer/tenant; Rick Pacurar, representative; Louisa Leonard, witness.

Appearing for tenant: William Horn Grinder, tenant; Yolanda Huang, attorney, representative.

Testimony was accepted from both parties.

MSC: To continue the case for two weeks .  
(Payne/Chinchilla: 3-1; Chinchilla dissenting).

VIII. Old Business

None

IX. Appeal Hearing

A. 3735 Anza St., (F28-24(A) originally considered 5/7/85).

Landlord petitioned for certain capital improvements that were made to the building. Hearing Officer allowed the pass-through of exterior painting and new locks but disallowed the cost of a new roof as repairs necessitated by deferred maintenance. Landlord's appeal alleged that the roof had lasted twenty years and no amount of care could have avoided replacement.

On May 7, 1985, the Board decided to accept the appeal de novo at the Board level, solely to hear the issue of whether the roof constituted a capital improvement.

Appearing for landlord: Nancy C. Lenvin, attorney for landlord; Ernest Ring, Landlord.

Loren Norlund, tenant, appeared on his behalf.

Testimony was received in evidence from both parties. Tenant also submitted twenty photographs as exhibits.

MSF<sup>1</sup>: To vacate the decision of the Hearing Officer and allow the roof as capital improvement to be amortized over 10 years. (Payne/Carrico: 2-2).

MSF<sup>2</sup>: To reopen the hearing to receive testimony on the definition of deferred maintenance and to seek advise from the City Attorney on this issue. (Carrico/Payne: 2-2).



MSC<sup>3</sup>: To continue further discussion of this matter for one week. (Payne/Carrico: 3-1; Marshall dissenting).

X. Calendar Items

June 4, 1985

5 appeal considerations  
1 appeal hearing

Old Business

1. Outreach Budget and Proposals
2. Possible Rules changes
3. Fair Rate of Return.

June 11, 1985

4 appeal considerations  
2 appeal hearings  
1 eviction hearing

June 18, 1985

2 appeal considerations  
1 appeal hearing  
1 eviction hearing  
Executive Session

June 25, 1985

Community Round Table Meeting.

XI. Remarks from the Public

None

XII. Adjournment

President Chinchilla adjourned the meeting at 9:50 p.m.

5/30/85:ap

0143A





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
June 4, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 1855 Pacific Ave. (F30-2(A))
  - B. 2741 Juda St. (F30-7(A))
  - C. 947 Bush St. (F30-6(A))
  - D. 850 Geary St. (F28-42(A))
  - E. 878 York St. (F30-3(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- VIII. Old Business
  - 1. Outreach Budget Proposals
  - 2. Rules Changes (possibly)
  - 3. Fair Rate of Return
- IX. New Business
- X. Appeal Hearing
  - 1. 3055 Clay St. (F28-28(A) first considered 5/14/85)
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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JUN 2 1985

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5/30/85:ap

0145A





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, June 4, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:

Alviar, Chinchilla, Curran,  
Marshall, Moy, Payne, Waller

Commissioners not Present:

Carrico, Chan, Jackson

Staff Present:

Hernandez, Wolf

III. Approval of the Minutes

MSC:

To approve the Minutes of May 28, 1985 with  
the following corrections: P. 4, MSF<sup>2</sup>  
should read "call the question" instead of  
"discontinue further discussion"; p. 4,  
MSF<sup>3</sup> should be stricken; p.4, item 2,  
paragraph 1, should read "non-profit stock  
cooperative" instead of "cooperation"; p. 5  
and 6 should read that the cases will be  
continued for two weeks and one week, instead  
of in two weeks and one week; p. 5, MSF<sup>2</sup>  
should read "seek advice from the City  
Attorney" instead of "District Attorney."  
(Marshall/Payne: 5-0).

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JUN 14 1985

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IV. Consideration of Appeals

## A. 1855 Pacific Ave. (F30-2(A))

Landlord petitioned for an increase based on operating  
expenses, and maintains that tenant has not paid previously  
approved capital improvements nor a PG&E pass-through.  
Tenant's appeal requested clarification of her correct base  
rent.

MSC:

To remand this case to the same Hearing  
Officer for a technical correction or hearing  
regarding the correct base rent in light of  
the 1983 capital improvement. (Payne/Moy:  
5-0).

## B. 2741 Judah St. (F30-7(A))

Landlord appealed Hearing Officer's decision that this  
property is not exempt from the Rent Ordinance because the  
alleged owner-occupant is not listed on title as having a  
50% interest in the property.





MSC: To accept this appeal and schedule a de novo hearing at the Board level. (Payne/Alviar: 5-0).

C. 947 Bush St. (F30-6(A))

Tenant petitioned for decreased services and a failure to repair, alleging eight separate problems. Hearing Officer granted a rent reduction for erratic heat and an unsafe front door only. Landlord appealed this decision and questioned the denial of the annual increase.

MSC: To remand this case to another Hearing Officer to examine the issue of the annual increase. (Payne/Marshall: 5-0).

D. 850 Geary St. (F28-24(A))

Tenant petitioned for a decrease in services during a period of remodeling. Landlord maintained at the hearing and in his appeal that she was not a tenant, as the original tenant had moved out. Hearing Officer found no decreased services, as the tenant had lived rent-free during the remodeling, but corrected overpayments from tenant to landlord and concluded that she was a tenant at sufferance.

MSC: To deny this appeal. (Marshall/Alviar: 5-0)

E. 878 York St. (F30-3(A))

Tenant petitioned due to decreased services and a failure to repair. Hearing Officer denied the annual increase until the landlord makes requested repairs and ordered that a rent reduction shall commence if the landlord fails to provide heat. Hearing Officer also found an attempted wrongful eviction on the part of the landlord.

MSC: To accept this appeal on the issue of the alleged wrongful eviction and schedule a de novo hearing before the Board. (Payne/Alviar: 5-0).

V. Communications

The Board received the following material:

- A. A letter from the tenant appellant regarding the case at 1855 Pacific Avenue.
- B. A letter from former Hearing Officer D. J. Soviero requesting the Board's opinion on her representation of a party previously before her in a hearing. Commissioner Curran will draft a response.



- C. Job announcement from the City of Berkeley's Rent Board.
- D. Two letters from tenant Robert Menist regarding the on-going appeal case at 3848 Sacramento Street, #3.

MSC: Staff shall draft an appeal decision which shall be brought to the Board next week, if possible, and schedule a hearing before the Board on the issue of whether the landlord has attempted to increase rents in violation of a Hearing Officer's decision.  
(Marshall/Alviar: 5-0).

VI. Remarks from the Public

Robert Menist made a brief remark regarding the above case.

VII. Director's Report

- A. The Director referred the Board to the Mayor's Budget Message.
- B. The Director reported on his most recent meeting with staff from the Controller's ISD regarding the computer project.
- C. The Director reported that an emergency freeze on new positions has led to current hiring difficulties.
- D. The Director reminded the Board about the party at the Rent Board office on June 13th.

VIII. Old Business

- A. 3735 Anza St. (F28-21(A)) originally considered 5/7/85).

Landlord petitioned for certain capital improvements that were made to the building. Hearing Officer allowed the pass-through of exterior painting and new locks but disallowed the cost of a new roof as repairs necessitated by deferred maintenance. Landlord's appeal alleged that the roof had lasted twenty years and no amount of care could have avoided replacement.

On May 28, 1985, the Board held a hearing, solely to determine the issue of whether the roof constituted a capital improvement.

MSC: To vacate the portion of the Hearing Officer's decision that denies the pass-through of the roof as a capital improvement, and allow it to be passed on over a ten year period along with the imputed interest. (Payne/Moy: 5-0).



B. 3735 Anza St., #7 (F28-38(A))

Tenant filed a petition for arbitration for decrease in services (removal of a sun deck). A hearing was held on March 26, 1985. Tenant has appealed Hearing Officer's determination that in spite of the tenants' use of the sun deck, the lease clearly provided that the roof is not covered by the lease. The Board held a de novo hearing on this issue on May 28, 1985.

MSC: To remand this case to the same Hearing Officer to consider the evidence of the new lease. (Marshall/Chinchilla: 3-2; Moy and Payne dissenting).

- C. The budget for an outreach program was briefly discussed. Commissioners Chinchilla and Payne will meet with the Executive Director on June 7 to discuss some preliminary ideas.
- D. President Chinchilla will draft a list of possible areas for Rules changes for the next meeting.
- E The issue of "fair rate of return" was briefly discussed.

IX. New Business

- A. Commissioner Curran received the Board's approval of his drafted response to D. J. Soviero.

X. Calendar Items

June 11, 1985

4 appeal considerations  
2 appeal hearings

Old Business

499 Alabama St.

June 18, 1985

3 appeal considerations  
1 appeal hearing  
2 eviction hearings



June 25, 1985

Community Round Table Meeting

XI. Adjournment

President Chinchilla adjourned the meeting at 7:33 p.m.

6/5/85:ap







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6/11/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
June 11, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

A. 1430 Larkin St. #15A (F30-4(A))

B. 1921 Ocean Ave. (F28-41(A), F110-2(E))

C. 2065 California St. (F30-1(A), F26-18(A))

D. 823 Oak St. (F30-8(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions

None
- VIII. Old Business

499 Alabama St. #114 (F102-29(E))
- IX. Appeal Hearing

1. 1151 Post St., #6 (F28-26(A)) originally heard 5/7/85)

2. 133 Clayton St. (F28-23(A)) originally heard 5/28/85)
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

DOCUMENTS LOG

JUN 10 1985

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6/6/85:ap

0156A



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, June 11, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:36 p.m.

II. Roll Call

Commissioners Present: Chan, Chinchilla, Moy, Payne  
Commissioners not Present: Carrico  
Staff Present: Hernandez, Ruiz

Commissioners Marshall, Alviar, and Curran came on the record at  
5:40 p.m.; Commissioners Jackson and Waller came on the record  
at 5:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of June 4, 1985, with  
the following corrections: Page 1, Section  
DOCUMENTS DEPT. IV. A. on the Motion, should read Payne  
instead of Chinchilla; page 3, Section VIII.  
JUN 13 1985 A., strike out the words de novo in the  
second paragraph.  
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IV. Consideration of Appeals

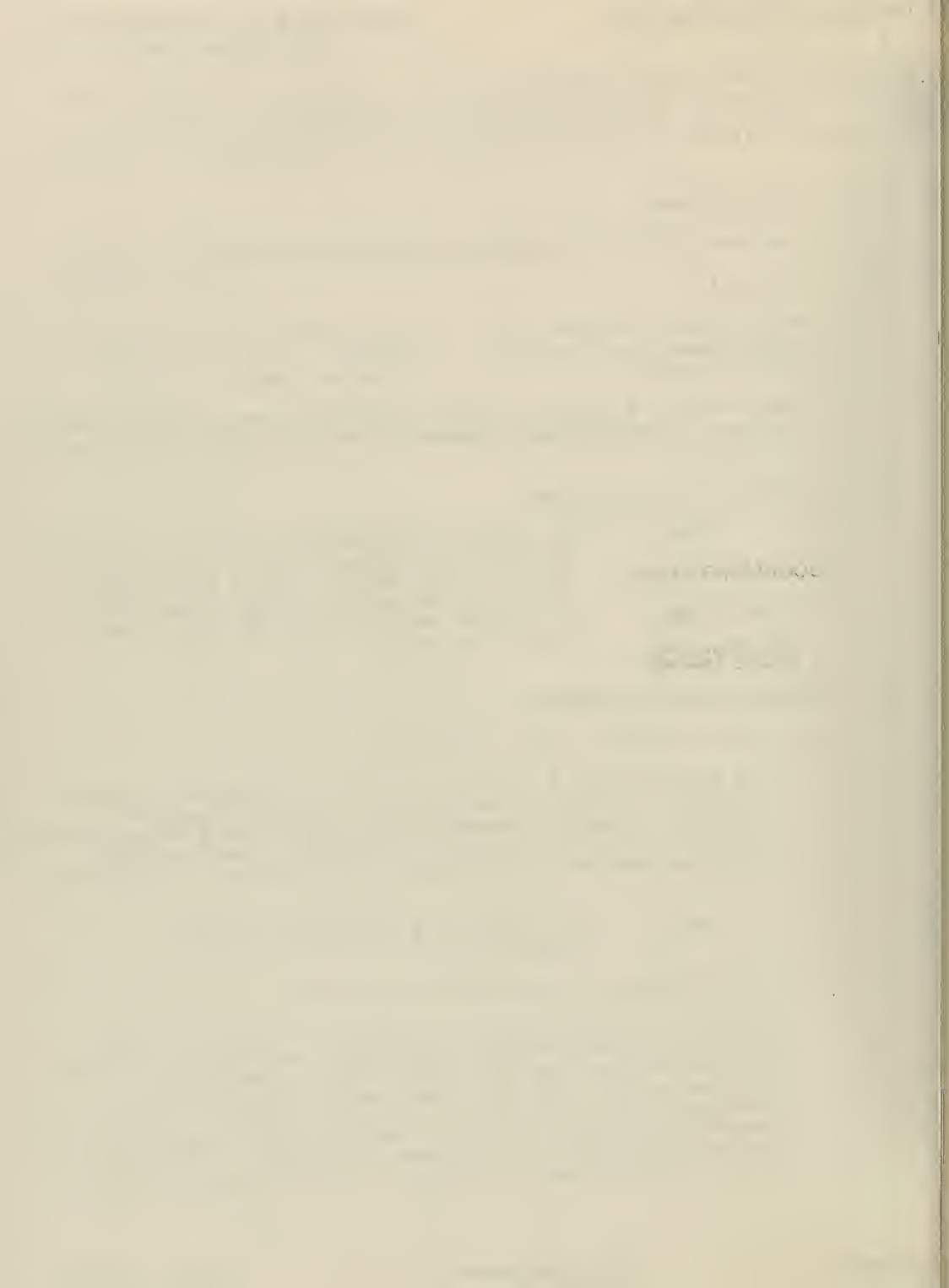
A. 1430 Larkin St., #15A (F30-4(A))

The tenant filed a petition alleging a decrease in service,  
a failure to maintain and repair, and an illegal rent  
increase. Landlord appealed Hearing Officer's determination  
in which tenant-petitioner was awarded a temporary rent  
reduction and the rent increase was considered null and void

MSC: To remand to a new Hearing Officer.  
(Moy/Chinchilla: 5-0).

B. 1921 Ocean Ave. (F28-41(A), F110-2(E))

Tenants filed a petition for decrease in services and a  
report of alleged wrongful eviction. Landlord is appealing  
Hearing Officer's determination that no just cause for  
eviction existed and that the tenants had suffered a  
substantial decrease in their housing services, thereby  
awarding tenant-petitioners a temporary rent reduction until  
all necessary repairs were made to the unit. On May 10,  
1985, the Board sent a letter to the landlords informing



them that they had to have a just cause for eviction and that if they proceeded to evict, the Board would consider civil or criminal action.

MSC: To deny the appeal. (Marshall/Alviar: 5-0).

C. 2065 California St. (F30-1(A), F26-18(A))

On October 10, 1984 and October 19, 1984, a hearing was held to consider the issues of capital improvement, operating and maintenance, and decrease in services. Landlord appealed and this case was heard on rehearing de novo on February 28, 1985, pursuant to remand from the Board at its meeting of January 29, 1985. Landlord appeals Hearing Officer's determination in the form of clarification of certain items that were considered part of operating and maintenance rather than capital improvement.

MSC: To remand to the same Hearing Officer.  
(Payne/Alviar: 5-0).

D. 823 Oak St. (F30-8(A))

Tenant filed a petition alleging an illegal rent increase. Landlord appeals Hearing Officer's determination that the rent increase was null and void and the tenants were entitled to a refund.

MSF<sup>1</sup>: To accept this case at the Board level.  
(Payne/Alviar: 2-3).

MSC<sup>2</sup>: To remand to the same Hearing Officer to give the parties an opportunity to be heard given the untimely death of one of the respondents. (Marshall/Moy: 5-0).

V. Communications

- A. The Director informed the Board that arrangements were being made for the Round Table Discussion which will be held at Horace Mann Middle School in the Cafeteria from 6 to 10 p.m. on June 25, 1985.
- B. Letter to D. J. Soviero, from the Board, regarding conflict on interest.
- C. Letter from Yolanda Huang, attorney for tenant-petitioner regarding the property located at 499 Alabama Street (F102-29(E)).
- D. The Director presented to the Board a statistical report representing performance of the Board for the past two (2) years.



- E. The Director informed the Board that Jim Nolan, Citizen Complaint Officer, had resigned to endeavor a Real Estate career.
- F. The Board was once again invited to attend an informal party commemorating the sixth anniversary of the Rent Board, to be held at its offices at 170 Fell Street, from 3:00 to 7:00p.m.

VI. Director's Report

None

VII. Consideration of Allegations of Wrongful Eviction

A. Hearing

1. 499 Alabama St. (F102-29(E))

The landlord, Project Artaud, claims to be exempt from the Ordinance under Section 37.2(P)(2) and Rules and Regulations Section 1.15(b) as a non-profit stock cooperation.

Tenants must have an ownership interest. That is not the case at 499 Alabama. The Hearing Officer found the unit not exempt and therefore the landlord must state a just cause for eviction.

On May 7, 1985, the Board decided to accept this case at the Board level.

On May 28, 1985, the Board decided to continue the case for two weeks.

Appearing for the landlord: Elizabeth Renbee, landlord/officer.

Appearing for tenant: William Horn Grinder, tenant; Yolanda Huang, attorney, representative.

MSC<sup>1</sup>: That the Board has jurisdiction over the property at 499 Alabama Street (Project Artaud). (Payne/Chinchilla: 5-0).

MSC<sup>2</sup>: Due to the fact that the notice of September 1984 did not articulate a just cause, the Board finds a technical attempted wrongful eviction. (Alviar/Moy: 5-0).





MSC<sup>3</sup>: That the Board take no further action.  
(Payne/Alviar: 5-0).

VIII. Old Business

- A. President Chinchilla presented to members of the Board a list of rules and topics that may be subject to change in the Rules and Regulations.
- B. The Director informed the Board that the attorney in the case of 3055 Clay Street (F28-28(A)), which was to be heard on June 4, 1985, had requested a postponement for another week.
- C. The Director presented to the Board a report from the Department of Public Works which may affect the status of Live-In-Work Artists.
- D. Commissioners Payne and Chinchilla met at the Rent Board offices to discuss the Outreach Program.

IX. Appeal Hearing

- A. 1151 Post St., #6 (F28-26(A), originally heard May 7, 1985)

Tenant filed a petition for decreased services due to the removal of garage space, pest control, conversion from a central heating system to one metered separately to tenant, and a hole in his ceiling. He also filed a Report of Alleged Wrongful Eviction regarding the loss of use of his garage. As tenant had previously been employed as the property manager, landlord's contention was that the garage use was contingent on the employment status, that a good faith effort had been made regarding the repairs, and that the conversion did not constitute a decrease in services. Hearing Officer granted a reduction for the pest control and hole in the ceiling but not for the garage space, which tenant alleged was included in his rent in his appeal.

On May 7, 1985, the Board accepted this case de novo at the Board level.

Appearing: Franklin Trotter, tenant. The landlord did not appear.

MSC: To vacate the decision of the Hearing Officer and to award the following: Heat, \$0, without prejudice; pest, \$15 (8 months); leaks, \$20 (February 1984); garage, \$80. The



landlord has the option of restoring these services to the tenant. (Marshall/Alviar: 5-0).

B. 133 Clayton

Tenants' petition requested compensation for eight years of excessive utility bills due to the fact that they paid for all gas to the water heater which supplied water to the other two units in the building as well. Hearing Officer dismissed the case due to his opinion that the Rent Board lacked jurisdiction over this matter.

On May 7, 1985, the Board decided to hear the case *de novo* at the Board level to decide the question of jurisdiction as well as the other issues in this case.

Appearing: Jack von Euw, tenant; and Barbara J. Burgel, tenant; and Fred Lee, landlord.

MSC: That the Rent Board does not have jurisdiction and to vacate the Hearing Officer's decision. (Alviar/Moy: 5-0).

X. Calendar Items

June 18, 1985

Executive Session  
3 appeal considerations  
2 appeal hearings  
1 eviction hearing

June 25, 1985

Round Table Discussion meeting in the community

July 2, 1985

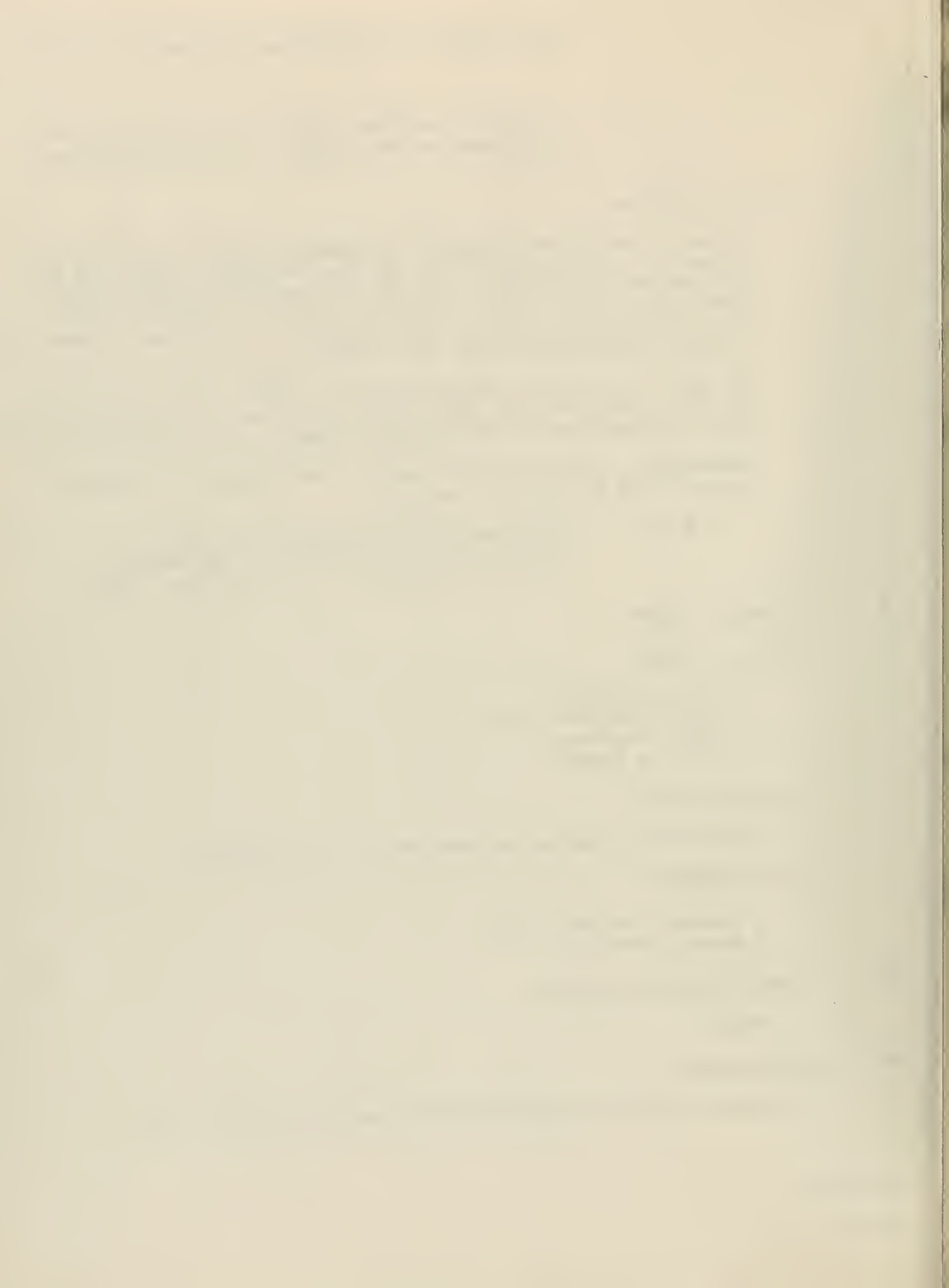
5 appeal considerations  
2 appeal hearings

XI. Remarks from the Public

None

XII. Adjournment

President Chinchilla adjourned the meeting at 8:20 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

June 18, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

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- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Executive Session
- V. Consideration of Appeals
  - A. 1542 Hayes St., Apt. A (F30-9(A))
  - B. 22 Terra Vista #C-3 (F30-11(A))
  - C. 1560 - 8th Ave. #9 (F30-10(A))
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
  - A. Hearings
    - 1. 201 Onondaga St. #4 (F112-42(E))
- IX. Old Business
- X. Appeal Hearing
  - 1. 1111-1131 Green St. (F28-29(A) 5/14/85)
  - 2. 115-117 Pixley St. (F28-40(A), F30-5(A))
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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JUN 17 1985

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6/13/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, June 18, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Curran,  
Marshall, Payne  
Commissioners not Present: Chan, Jackson, Moy  
Staff Present: Francis, Hernandez, Ruiz

Commissioner Carrico came on the record at 5:40 p.m.;  
Commissioner Waller came on the record at 5:50 p.m.;  
Commissioner Curran went off the record at 8:20 p.m.

Executive Session

Kathryn Pennypacker and Richard Judd, staff attorneys from the  
City Attorney's Office, and Susan Francis, Deputy Director to  
the Rent Board, presented the Board with an up-to-date  
presentation of cases under litigation per Government Code  
549.56.9.

III. Approval of the Minutes

MSC: To approve the Minutes of June 11, with the  
following corrections: Section III, approval  
of the Minutes, the motion was made by  
Payne/Moy: 3-0; Section IV. A., 1430 Larkin  
St., add: Landlord also alleged that she did  
not receive notice of the hearing; Section  
IV, C, last paragraph should read: Landlord  
appeals Hearing Officer's determination that  
certain items were part of operating and  
maintenance rather than capital improvement.  
Landlord also alleges that he did not receive  
notice that the hearing had been rescheduled;  
Section V, Communications, B, should  
read"...regarding conflict of...", item F,  
same section, second line, should read: Rent  
Board Ordinance, to be held at the Rent Board  
office....; delete item E; Section VI,  
Director reported to the Board that during  
the month of May, the Rent Board had accepted  
90 Reports of Alleged Wrongful Eviction; B,  
The Director informed the Board that Jim  
Nolan, Citizen Complaint Officer, had

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resigned to seek a Real Estate license. C, The Director informed the Board that six Hearing Officers had left the Rent Board to work for the Office of Community Review; section VII, A, 1, first paragraph, last word should read cooperative; second paragraph, delete the first sentence and add: "The Ordinance requires that dwelling units in non-profit cooperative be owned, occupied and controlled by a majority of the residents."; Section IX, A, last paragraph, add: "The Board waited 20 minutes to give the landlord an opportunity to appear, then the Board proceeded to hear the case on its merits. Since the record reflected proper proof of service to the landlord, after hearing testimony, the Board decided as follows."; Section IX, B, add last paragraph: "After hearing argument on the issue of jurisdiction, the Board decided as follows:"

IV. Consideration of Appeals

A. 1542 Hayes St., Apt. A [F30-9(A)]

Tenant filed a petition for substantial reduction of services without a corresponding reduction of rent and a constructive eviction. Landlord appealed Hearing Officer's determination in which tenant-petitioner was awarded a temporary rent reduction. Landlord also alleges that he did not receive actual notice of the hearing.

MSC: To remand to the same Hearing Officer.  
(Carrico/Payne: 5-0).

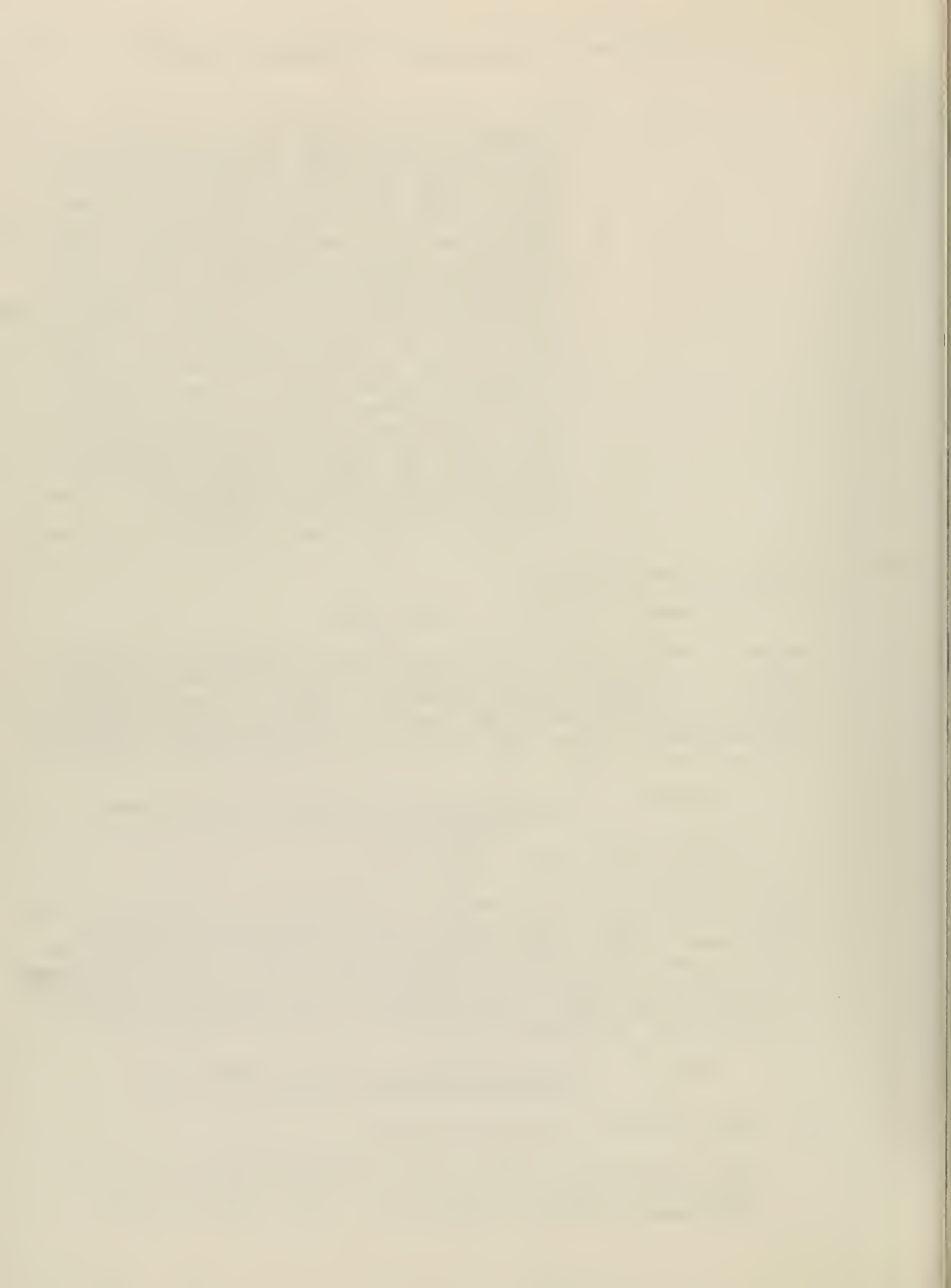
B. 22 Terra Vista #C-3 [F30-11(A)]

Tenant filed a petition seeking a retroactive reduction in rent due to an alleged illegal past rent increase for a capital improvement. Tenant appealed Hearing Officer's determination that because the parties had appeared to enter into an agreement for the rent increase and, because petitioner specifically did not seek to set aside this agreement, the Hearing Officer did not hold their agreement invalid.

MSC: To remand to a new Hearing Officer.  
(Alviar/Marshall: 5-0).

C. 1560- 8th Ave., #9 [F30-10(A)]

This case was not considered on this date due to the fact that some documents were missing. This case will be considered on July 2, 1985.



VI. Communications

The Board members were given a copy of a memorandum from Mayor Diane Feinstein to all Boards and Commissions, subject: Review of State and Federal Legislation.

VII. Director's Report

None

VIII. Consideration of Allegations of Wrongful Evictions

Hearings

201 Onondaga St., #4 [F112-42(E) - 5/28/85]

Tenant has lived at this property since March 1977. The landlord gave the tenant an eviction notice stating as a reason that the landlord's daughter, her mother's cousin, her husband and their son, would be moving into this flat. Subsequently, the landlord gave the tenants other notices to vacate stating different reasons. On April 22, 1985, a hearing was held and the Hearing Officer found that the landlord had not acted in good faith.

On May 14, 1985, the Board ordered that a letter of warning be sent to the landlord stressing that the Board would consider further action if the eviction was pursued. On May 17, 1985, the tenant received another written notice from the landlord returning her rent check and, on May 22, 1985, another eviction notice.

Appearing: Anita Sanchez, landlord's daughter and representative; Paul Wartelle, attorney for tenant; Diane Perez, tenant; Robert Perez, tenant's son; Jodi Reid, witness for the tenant; Julius Zamacona, witness for the tenant.

MSF<sup>1</sup>: Not to find a wrongful eviction.  
(Payne/Carrico: 2-2).

MSC<sup>2</sup>: To reopen the hearing for the purpose of obtaining further information regarding the rents in all the units. (Marshall/Payne: 3-1; Payne dissenting).

MSC<sup>3</sup>: Not to take further action by the Board.  
(Payne/Chinchilla: 4-0).



IX. Old Business

A. 3848 Sacramento St. (F22-9(A), F22-62(A)).

On October 23, 1984, the Board held an appeal hearing. At the hearing, tenant argued that he should not be responsible for paying any rent increase levied by the landlord from December 15, 1982. The Rent Board decided to postpone the decision of whether or not there would be a moratorium on the tenant's rent based on Section 1390 of the Subdivision Code, pending a ruling by the Superior Court. After this time, the Superior Court did uphold this section as it relates to these particular parties and therefore the Board is making the following ruling:

MSC: The landlord cannot impose rent increases to this tenant during the moratorium period beginning December 15, 1982 pursuant to Section 1390 of the Subdivision Code.  
(Marshall/Payne: 5-0).

- B. Letter from the Board to D. J. Soviero, regarding conflict of interest.
- C. President Chinchilla reported to the Board that he was working on the language to the proposed changes of the Rules and Regulations.
- D. The Board was reminded that the Rent Board Table Discussion scheduled for June 25, 1985, would be held at Horace Mann Middle School.

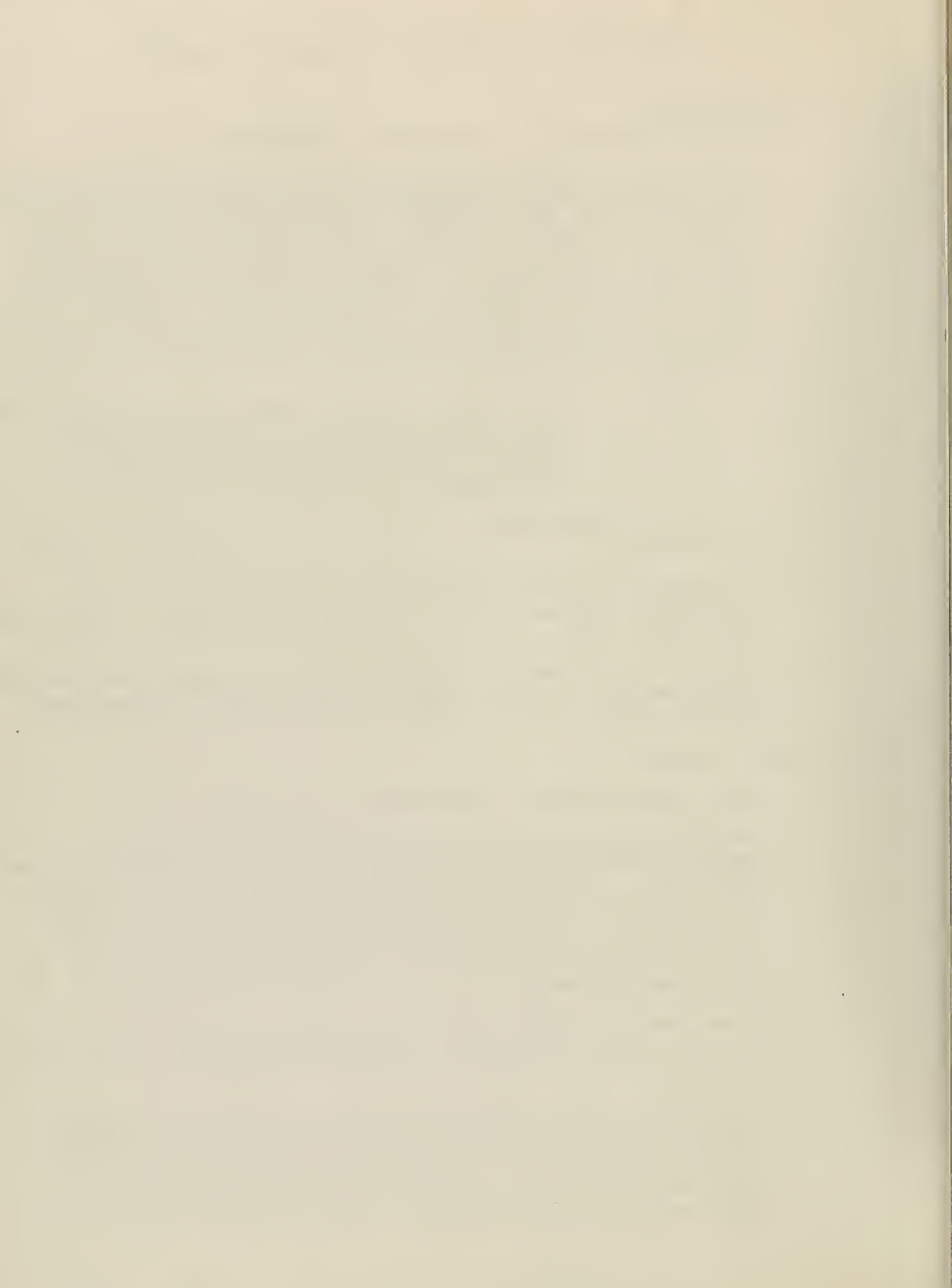
X. Appeal Hearing

A. 1111-1131 Green St. (F28-29(A) - 5-14-85))

Landlord filed a petition requesting certification of capital improvements for approval of rent increases over the guidelines. This case was heard on February 4, 1985, and the matter was continued from that date to March 4, 1985. The landlord filed an Amended Petition based upon capital improvements and that matter was consolidated with the landlord's petition based upon increased operating and maintenance expenses.

Seven tenants filed a petition alleging decreases in services and/or failures to maintain and repair. [F30-27(P)]

The tenants have raised the issues of collateral estoppel and res judicata contending essentially that the landlord's present petition for increased operating and maintenance expenses, based upon the alleged increased in debt service from February 1, 1984 through 1985, is the same as the petitions previously denied in the decision filed June 3, 1984.



On May 21, 1985, the Board accepted the tenant's appeal to hear the limited issues of collateral estoppel and res judicata.

Appearing for the landlord: Edward Printz, landlord's attorney.

Appearing for the tenants: Ernest J. Beffle, Jr., attorney/tenant; Bill and Joan Daley; Calvin H. Jewell, Rebecca Frye, Daniel Hillmer, Cindy Brewster, and Gabriel B. Meadows, tenants.

MSC: The 1984 decision is final in light of the fact that the landlord has failed to meet the burden of proof on debt service incurred during the comparison years of 1983-84 and 1984-85. (Marshall/Alviar: 3-2)

B. 115 and 117 Pixley St. [F28-40 and F30-5(A) originally heard February 5, 1985]

This case was heard on October 17, 1984, but the draft decision of the Hearing Officer was misplaced. The tape and files were reviewed by another Hearing Officer on December 21, 1984 and a decision was rendered.

Landlord appealed Hearing Officer's determination that the detached 2-unit building at 115 and 117 Pixley Street was subject to the provisions of the Rent Ordinance and that the rent increases of 1982 and 1983, exceeded the 7% allowed subsequent to March 1, 1984. The Board upheld the appeal and remanded the case to the original Hearing Officer.

Tenants appealed Hearing Officer's determination (February 29, 1985) that the 1982 and 1983 rent increases, which were clearly in excess of the 7% limitation, would not be refunded, because tenants were aware that landlords were acting on the assumption that both properties were exempt.

On May '28, 1985, the Board decided to accept the appeal de novo at the Board level.

Appearing for the landlord: Debbie Ann Cucalon, landlord; Bernerd Libanti, attorney for landlord.

Appearing for the tenants: Dorothy Luty and Jerry T. Yanos, tenants-petitioners.

The Board suggested that they reach a settlement that is reasonable to both parties.

MSC: To table the motion for July 2, 1985.





XI. Calendar Items

June 25, 1985

Round Table Meeting in the Community.

July 2, 1985

6 Appeal Considerations

2 Appeal Hearings

Old Business:

115-117 Pixley [F30-10(A)]

July 9, 1985

5 Appeal Considerations .

1 Eviction\* Hearing

XII. Remarks From the Public

None

XIII. Adjournment

President Chinchilla adjourned the meeting at 10:20 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

June 25, 1985 at 6:00 P.M.

\*\*\*\*\*

Horace Mann Middle School, 3351 Valencia Street, Cafeteria

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Communications
- V. Director's Report
- VI. Round Table Discussion
- VII. Old Business
- VIII. New Business
- IX. Calendar Items
- X. Remarks from the Public
- XI. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, June 25, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

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I. Call to Order

President Chinchilla called the meeting to order at 5:50 p.m.

II. Roll Call

Commissioners Present:	Alviar, Chinchilla, Waller, Payne
Commissioners not Present:	Curran, Jackson
Staff Present:	Hernandez, Ruiz, Wolf

Commissioner Chan and Moy came on the record at 5:55 p.m.;  
Commissioner Carrico came on the record at 6:30 p.m.

III. Approval of the Minutes

MSC:

To approve the Minutes of June 18,  
with the following corrections:  
Section VIII Page 3.

Eviction Hearing: 201 Onondaga St.  
#4, add:

MSC: To excuse Commissioner Alviar  
from hearing the case.

(Payne/Marshall: 5-0); Section  
X.A., Appeal Hearing, 1111-1131  
Green, 3rd line:...guidelines.

The landlord filed an amended  
petition based on operating and  
maintenance expenses and that  
matter was consolidated with the  
landlord's original petition  
requesting certification of  
capital improvement. This case  
was heard on February 4, 1985, and  
the matter was continued from that  
date to March 4, 1985; same  
section of Page 5: Appearing for  
the landlord: Edward Printz,  
landlord representative; page 5,  
motion, delete and add the  
following: The 1984 decision is  
final with respect to the  
operating and maintenance rent  
increase for debt service incurred  
in the adjustment year 1984-1985  
as compared with the comparison  
year 1983-1984, Section X, B.,  
115-117 Pixley Street, change the  
motion to read:

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Page Two of the Minutes of June 18, 1985

MSC: to continue the case until  
July 2, 1985 (Alviar/Waller: 5-0).

IV. Communications

A. Letter from the attorney for the landlords of the property at 1245 California Street, requesting an extension to file an appeal on a recent decision.

B. Letter from the City Public Administrator informing the Director that he has been appointed as Administrator of the Estate of Guenter Kaussen, deceased.

C. Newspaper article reporting on developers who have violated the City's condominium conversion code.

D. Newspaper article on the Costa Bill (AB 483).

E. The Board was given the following decisions for the President's signature and several corrections were made by the Board:

- 499 Alabama
- 201 Onondaga
- 1151 Post Street
- 3735 Anza
- 133 Clayton

V. Round Table Discussion Meeting

President Chinchilla opened the meeting by stating that the purpose of having outreach meetings was to discuss general matters concerning the rent law and the rules and regulations and for the public to offer their views.

He also informed the public that specific cases would not be discussed.

The forum was opened to the general public and members or spokespersons of interested groups and individuals representing themselves initiated a dialogue with the commissioners.

VI. Adjournment

The meeting was adjourned at 8:20 p.m.







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NOTICE OF THE REGULAR MEETING OF THE SAN

FRANCISCO RESIDENTIAL RENT STABILIZATION

AND ARBITRATION BOARD, Tuesday

July 2, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1195  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 999 Dolores St. (F30-12(A))
  - B. 1781 #A - 15th Ave. (F30-13(A))
  - C. 1550 Filbert St., #11 (F30-14(A))
  - D. 811 Pierce St. (F30-15(A))
  - E. 3559A 17th St. (F30-16(A))
  - F. 1560 8th Ave., #9 (F30-10(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Eviction
  - A. Report from Staff
    - 1.
    - 2.
  - B. Hearings
    - 1.
    - 2.
- VIII. Old Business
  - 115-117 Pixley, F30-10(A)
- IX. New Business
- X. Appeal Hearing
  1. 3620 18th St., #32 (F28-39A)
  2. 2741 Judah St., #1 (F30-7A)
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment



City and County of San Francisco DOCUMENTS DEPARTMENT Residential Rent Stabilization and Arbitration Board

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, July 2, 1985 at 5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

Vice-President Payne called the meeting to order at 5:37 p.m.

II. Roll Call

Commissioners Present: Chan, Payne, Waller  
Staff Present: Francis, Ruiz, Wicks

Commissioner Curran and Moy came on the record at 5:40 p.m.  
Commissioner Carrico came on the record at 6:00 p.m.  
Commissioner Carrico went off the record at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of June 25, 1985, with the following corrections: the meeting was held at the Horace Mann Middle School located at 3351 - 23rd Street, not at 350 McAllister.

IV. Consideration of Appeals

A. 999 Dolores St. [F30-12(A)]

Tenant filed a petition alleging that the building in which they resided was not subject to the Rent Control Ordinance and that a rent increase imposed by the landlord was outside the jurisdiction of the Ordinance. Tenants appealed Hearing Officer's determination that the Dolores Street building is a separate unit and, that since the owner had lived in the building for more than six months, the building was decontrolled and the owners could raise the rent without any limit.

MSC: To deny the tenant's appeal. (Chan/Payne: 5-0)

B. 1781A - 15th Avenue [F30-13(A)]

Tenant filed a petition (April 8, 1985) alleging a substantial decrease in service without the corresponding decrease in rent. Tenant appealed Hearing Officer's determination that the base rent be reduced by 1/3 contending that the request for rent refund was not addressed, that his roommate was forced to vacate, and that the interest on his deposit was not dealt with.

MSC: To deny the tenant's appeal. (Moy/Curran: 5:0)



C. 1550 Filbert Street #11 [F30-13(A)]

Tenants filed a petition (March 27, 1985) seeking a rent reduction due to a decrease in housing service (noise). Landlord appealed Hearing Officer's determination that a substantial reduction of service had been established and an award of 20% of the base rent.

MSC: To deny the landlord's appeal.  
(Chan/Curran: 3:2; Carrico and Payne  
dissenting)

D. 811 Pierce Street [F30-15(A)]

Tenant filed a petition (December 12, 1984) for decrease in services and a corresponding rent decrease. On January 29, 1985, Hearing Officer determined that this was the case and awarded a rent reduction. Landlord appealed (February 21, 1985) and the case was remanded to a new Hearing Officer. Landlord appealed Hearing Officer's determination (April 15, 1985) that the landlord had acted in bad faith and the increase of the award for rent reduction.

MSC: To deny the landlord's appeal and to remand to the same Hearing Officer to consider technical corrections and, if any, to make appropriate adjustments.

E. 3559 - 17th Street [F30-16(A)]

Landlord filed a petition for capital improvement increase. Landlord appealed Hearing Officer's determination that the petition for certification of capital improvements was denied, because the costs were not justified under the Rules and Regulations.

MSC: To accept the appeal de novo at the Board level. (Curran/Corrico: 3:2; Chan and Waller dissenting)

F. 1560 - 8th Avenue #9 [F30-10(A)]

Tenant filed a petition (March 27, 1985) alleging an illegal rent increase. Landlord appealed Hearing Officer's determination that the petitioner was a tenant at this property and that the landlord was not entitled to a rent increase above the allowable prevailing rate.

MSC: To remand to a new Hearing Officer on the record and to consider the evidence in the letter of April 17, 1985, from the petitioner's sister.



V. Communications

None

VI. Director's Report

- a) The Deputy Director presented Board members with a copy of the Court of Appeal decision of Fox v. the San Francisco Residential Rent Stabilization and Arbitration Board.
- b) The Board was informed that Ms. Alicia Wicks, staff attorney, had been promoted to the position of Eviction Unit Supervisor and that 10 applicants had been interviewed.
- c) The Mayor's Office sent a letter of appreciation to the Board members that attended the reception in honor of the USS Missouri.
- d) The budgetary allocation for Hearing Officers' salary was decreased by \$2,900.00.
- e) The Deputy Director informed Board members that the Rent Board budget might be reduced by 3% in September if the City's revenue sharing allocation is decreased.
- f) The new director of the Office of Community Development has been hired.
- g) Newspaper article reporting the impact of a recent U.S. Labor Department order that cities pay their employees overtime at a higher rate of pay.

VII. Consideration of Allegations of Wrongful Eviction

Response from Staff

A. 2055 California Street [F118-5, 6, 7(E)]

All three tenants were given eviction notices within a few days of each other; the eviction letters are extremely hostile, bordering on irrational. Two tenants received notices for unpermitted use of washers and dryers. One denied ever receiving a cure or quit notice and did not believe use of a laundry system was in violation of his rental agreement, which landlady had never given him despite numerous requests. He believed he was being evicted in retaliation for calling a Building Inspector. The second tenant said landlady wrote in a prohibition against use of the laundry system recently, since a January 1983 Rent Board decision found no such prohibition in the rental agreement. (The 1983 Hearing Officer found a wrongful eviction on the same issue.) The third tenant, a 91-year-old woman, has been subjected to several eviction attempts by landlady. The current case involved alleged nuisances--deliberately setting off smoke alarms and harassing





landlord at his place of business. (Tenant had called landlord at work, because the alarms could not be shut off and the Fire Department refused to continue coming to shut off the faulty system.)

All three notices were defective in that the advice clause was lacking; those defects were not properly cured. The notice for the elderly tenant was mistakenly delivered to another unit, and an unsigned note was later given her to go to the other apartment to pick up her eviction notice. All are long-term tenants: 1938, 1972, and 1980.

There appears to be no valid reasons for these eviction attempts. Hearing Officer and staff recommend sending the landlady a strong letter of warning and that the staff further investigate this case.

B. 2816 - 23rd Street [F118-41, 42(E); F120-24(E)]

Three tenants filed petitions. All notices failed to state a just cause and lacked the advice clause. Landlord, whose English language ability is very limited, stated that he wished to sell the building and relied on the advice of a real estate broker that the tenants must be evicted in order for him to sell. Hearing Officer found the eviction wrongful, but felt the matter was resolved at the hearing. Hearing Officer and staff recommend that a letter be sent to landlord and realtor, cautioning them to familiarize themselves with the Rent Law.

C. 3570 - 18th Street [F108-1(E)]

The mother of tenant Frank Ramos rented the unit pursuant to an oral agreement in 1955 and shared it with a companion. The companion died and tenant moved in with his mother in 1981. A January 1984 letter from landlady clearly indicated that she was aware of the tenancy of Mr. Ramos. After the death of his mother in January 1985, landlady began taking steps to evict Mr. Ramos as an unapproved subtenant holding over.

At the hearing, landlord stated that there was no other issue than the unapproved subtenancy; she wishes to put the unit up for rent and will accept the application of Mr. Ramos along with any others she receives. The Hearing Officer found no grounds to evict. It is recommended that the Commissioners write a cautioning letter to landlady, who is apparently pursuing the case in court in mid-July. The Board requested that the staff further investigate this case.

MSC: To accept staff recommendations.  
(Chan/Curran: 5:0)



VIII. Old Business

A. The Vice-President signed decisions for the following cases:

- 3735 Anza [F9-26(C), F28-24(A)]
- 1151 Post St. #6 [F9-14(E), F28-26(A)]
- 201 Onondaga [F112-42(E)]

B. 115-117 Pixley Street [F30-5(A), F28-40(A), F26-60(A),  
originally heard February 5, 1985]

This case was heard on October 17, 1984, but the draft decision of the Hearing Officer was misplaced. The tape and files were reviewed by another Hearing Officer on December 21, 1984 and a decision was rendered.

Landlord appealed Hearing Officer's determination that the detached 2-unit building at 115 and 117 Pixley Street was subject to the provisions of the Rent Ordinance and that the rent increases of 1982 and 1983, exceeded the 7% allowed subsequent to March 1, 1984. The Board upheld the appeal and remanded the case to the original Hearing Officer.

Tenants appealed Hearing Officer's determination (February 29, 1985) that the 1982 and 1983 rent increases, which were clearly in excess of the 7% limitation, would not be refunded, because tenants were aware that landlords were acting on the assumption that both properties were exempt.

On May 28, 1985, the Board decided to accept the appeal de novo at the Board level.

Appearing for the landlord: Debbie Ann Cucalon and Rosario Nunnally, landlords.

Appearing for the tenants: Dorothy Luty and Jerry T. Yanos, tenants-petitioners.

On June 18, 1985, the Board suggested that they reach a settlement that was reasonable to both parties. The case was continued for two weeks, but parties had reached no agreement. The tenants submitted three options for settlement which the landlord rejected.

The Board went off the record and once more the parties were asked if they were willing to meet for the purpose of reaching a settlement. The answer was negative.

Due to the fact that there were only three Board members present who originally heard the case, the Board decided to postpone a decision to July 9, 1985.



IX. New Business

Deputy Director Susan Francis indicated some concerns of the City Attorney on the issue of owner-occupancy only exemption of multiple dwellings in one lot. It was the consensus of the Board to request an opinion of the City Attorney regarding this matter.

X. Appeal Hearing

A. 3620 - 18th Street #32 [F28-39(A), originally  
heard May 28, 1985]

Tenant filed a petition alleging substantial decrease in housing service (garage space) without a corresponding reduction in rent. Landlord appealed Hearing Officer's determination that this was the case and the award of an on-going rent reduction of 20%.

On May 28, 1985, the Board accepted the appeal de novo.

Appearing: Larry Kemp, tenant; and James Lee, landlord.

MSF<sup>1</sup>: To affirm the Hearing Officer's decision and to maintain the 20% reduction in rent.  
(Waller/Curran: 3:2; Curran, Waller dissenting)

MSC<sup>2</sup>: To find a significant decrease in housing services and that the award be set at \$30.00 a month. (Chan/Waller: 3:2; Moy, Payne dissenting)

B. 2741 Judah Street [F30-7(A)]

Landlord appealed Hearing Officer's determination that this property was not exempt from the Rent Ordinance because the alleged owner-occupant was not listed on title as having a 50% interest in the property.

On June 4, 1985, the Board accepted the appeal de novo.

Appearing: Laurie Gee, landlord; Daniel Gee, landlord; and Domenic Cannizzaro, attorney.

Tenants did not appear.

MSC: To find this building exempt from the Rent Ordinance and to vacate the Hearing Officer's decision. However, the Board reserves decision on the question of whether a landlord may validly hold title of property as joint tenants where there is evidence that it was done for the purpose of circumventing the just cause provisions of the Ordinance in order to take advantage of the exemption.  
(Chan/Curran: 5:0)



XI. Calendar Items

July 9, 1985

- 5 Appeal Considerations
- 1 Appeal Hearing

Old Business

115-117 Pixley

XII. Remarks from the Public

- A. Ted McCalla stated that on the issue of owner-occupancy, that the requirement that an owner live on the premises for six months, that said time limit not begin until such time as actual ownership is shown on the City Recorder's Office.
- B. Karen Serlin told the Board that, regarding the issue of multiple dwellings in one lot, she got the impression that the Board, as a group, was not able to make a decision and, that until such time as they received direction from the City Attorney's Office, they had to base all decisions on the Moscone decision. The Board informed her that they would continue the normal procedure of applying the Moscone decision until such time as rules were changed.

XIII. Adjournment

Vice-President Payne adjourned the meeting at 8:10 p.m.







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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

July 9, 1985 at 5:30

State Building, 350 McAllister St. #1158

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 1365 Valencia #3 [F30-17(A)]
  - B. 1432, 1434 Pine St. [F30-18(A)]
  - C. 16 - 30th St. #1 [F30-19(A)]
  - D. 78 Parker Ave. [F30-20(A)]
  - E. 1321 - 4th Ave. [F30-21(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Eviction
  - A. Report from Staff
  - B. Hearings
- VIII. Old Business
  - 115-117 Pixley [F30-5(A), F28-40(A), F26-60(A)]
- IX. New Business
- X. Appeal Hearing
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, July 9, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Payne, Moy  
Commissioners not Present: Alviar, Carrico, Chan, Cufran,  
Jackson  
Staff Present: Hernandez, Wicks

Commissioner Waller appeared on the record at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the minutes of July 2, 1985, with  
the following corrections and additions:

A. P.1, III Approval of the Minutes:  
"(Chan/Waller: 3-0)

B. P.1, IV Consideration of Appeals:

A. 999 Dolores St.

"...the building in which they resided  
was subject to the Rent Control Ordinance and  
that a rent increase imposed by the landlord  
was not outside the jurisdiction of the  
Ordinance."

C. P. 5, VIII Old Business

B. 115-117 Pixley St.

" exceeded the 7% allowed subsequent to  
March 1, 1984. Landlord further appealed the  
procedural aspects of the case, in which the  
staff member writing the decision was not the  
hearing officer who heard the original case.

D. P. 6, X Appeal Hearing

A. 3620- 18th St. #32

MSF<sup>1</sup>: (Waller/Curran: 2-3, Payne,  
Chan, Moy dissenting).

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E. P. 7, XII Remarks from the Public

B. Karen Serlin - "The Board informed her that they would continue the normal procedure of relying on..." (Payne/Moy: 3-0).

IV. Consideration of Appeals

A. 1365 Valencia St., #3 [F30-17(A)]

Tenants filed a petition for decrease in services without a corresponding reduction in rent. Landlord appealed Hearing Officer's determination that the tenants were entitled to an award of a rent reduction and he alleged that the Hearing Officer abused her discretion in making her decision.

MSF<sup>1</sup>: To deny the appeal. (Marshall/Chinchilla: 2-2; Moy, Payne dissenting).

MSF<sup>2</sup>: To remand the case to a new Hearing Officer. (Moy/Payne: 2-2; Marshall and Chinchilla dissenting).

It was the consensus of the Board to put the case over for one week.

B. 1432, 1434 Pine St. [F30-18(A)]

Tenants filed a petition for reduction of their base rents, due to an illegal rent increase and decrease in housing services. Landlord appealed certain items (#7, 8, 9) of the Hearing Officer's determination awarding a rent reduction for decreased housing services.

MSC: To deny the appeal and uphold the Hearing Officer. (Payne/Moy: 4-0).

C. 16- 30th St., #1 [F30-19(A)]

Tenant filed a petition alleging an illegal rent increase. Landlord appealed Hearing Officer's determination that the rent increases of 1984 and 1985 are null and void; he maintained that he did not receive notice of the hearing.

MSC: To set the case for a new hearing before a new Hearing Officer. (Payne/Moy: 4-0).

D. 78 Parker Ave. [F30-20(A)]



Tenants filed a report of wrongful eviction and a petition for decrease in service without a corresponding reduction in rent and failure to maintain. Landlord appealed Hearing Officer's determination that the eviction was viewed as retaliatory and appealed the awards of reduction in rent for decrease in housing services and failure to maintain.

MSC: To deny the appeal and make the following technical correction: To delete the words after "retaliatory" p. 6, line 9, through "time" p.6, line 10. (Marshall/Chinchilla: 3-1; Payne dissenting).

E. 1321- 4th Ave. [F30-21(A)]

Tenant filed a petition alleging an illegal rent increase. Landlord contended that the property was exempt from the Rent Ordinance pursuant to Section 37.2(p)(5). Landlord appealed Hearing Officer's determination that the building was not specifically excluded from the Ordinance and that the proposed increase in violation of the Ordinance was null and void. Landlord failed to submit any documentation with his appeal when filed June 18, 1985, and noted that supplementary material was forthcoming no later than June 17, 1985. However, nothing more was received from the appellant. On July 5, 1985, the Rent Board staff wrote to remind the landlord to submit his statement of appeal. The situation was presented to the Commissioners, who were asked if they wished to postpone the case. They chose to reach a determination on the record in the case files before them.

MSC: To uphold the Hearing Officer and deny the appeal. (Marshall/Chinchilla: 4-0).

V. Old Business

A. 115-117 Pixley [F30-5(A), F28-40(A), F26-60(A)]  
(continued from July 2, 1985).

After discussion of the evidence and testimony and the inability of the parties to reach a settlement, the Commissioners issued the following determination:

MSC<sup>1</sup>: To excuse Commissioner Moy from this case. (Payne/Marshall: 4-0).

MSC<sup>2</sup>: To vacate the Hearing Officer's decision and declare all the improper increases null and void. However, in the interest of fairness, the landlord will be granted increases since





1982 for the legally allowable amount; all sums paid over the allowable increases will be refunded to the involved tenants over a one year period. (Marshall/Payne: 4-0).

B. 325 Buckingham Way, #1803

It was brought to the attention of the Board that the corrected copy of the above appeal hearing decision had not been signed. After correction of further typographical errors the Board will sign the decision.

C. 1141 So. Van Ness

The Commissioners were reminded that they had not reached a final recommendation in the above eviction case. It was the consensus of the Board to put the case over for one week.

VI. Communications

- A. Tenant Hamilton, from 78 Parker Avenue, wrote to encourage the Board to uphold the Hearing Officer's decision.
- B. The Commissioners received invitations from Old St. Mary's to attend their moving party Friday July 12, 1985, from 5:30 - 8:00 p.m.

VII. Director's Report

- A. Executive Director Hernandez reported that two new Citizen Complaint Officers had been hired on the staff. The new Counselors are Doris Charles and Ruben Urriaga.
- B. Mr. Hernandez discussed the ramifications of possible budget cuts and other financing reallocations because of changes in federal revenue sharing and the recent Supreme Court ruling on comp time. The Finance Committee's recommendation goes to the Supervisors next week.
- C. The fiscal year tally will be given the Commissioners at the next Board meeting.
- D. The Director mentioned that over thirty applications had been received for openings for Hearing Officers. After new Hearing Officers are hired, Commissioner Waller has volunteered to assist in the training session.
- E. Staff member Delene Wolf will be a featured speaker on the 6 a.m. KNBR talk show, Sunday July 14, 1985.



VIII. Reopening of Appeal Considerations

A. 1365 Valencia, #3

Because the Commissioners could not break the earlier deadlock, it was the consensus to put the case over for one week.

IX. Calendar Items

July 16, 1985

7 appeal considerations

July 23, 1985

1 appeal consideration

2 appeal hearings

X. Adjournment

President Chinchilla adjourned the meeting at 7:00 p.m.

7/11/85:ap





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7/16/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
July 16, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- |                                     |                                 |
|-------------------------------------|---------------------------------|
| A. 1140 Sutter St. #311 [F30-28(A)] | E. 3806 Clay St. [F30-26(A)]    |
| B. 2280 Pacific Ave. [F30-24(A)]    | F. 2385 California [F30-27(A)]  |
| C. 520 Jones St. [F30-22(A)]        | G. 1365 Valencia #3 [F30-17(A)] |
| D. 1020 Carolina St. [F30-25(A)]    | continued from 7/9/85           |
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- None
- VIII. Old Business
- 1141 So. Van Ness  
3055 Clay St. - settlement
- IX. Appeal Hearing
- None
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, July 16, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

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I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Payne,  
Commissioners not Present: Alviar, Chan, Jackson, Moy  
Staff Present: Hernandez, Wolf

Commissioner Curran appeared on the record at 5:39 p.m.;  
Commissioner Carrico appeared on the record at 5:44 p.m.;  
Commissioner Waller appeared on the record at 5:55 p.m.

III. Approval of the Minutes

It was the consensus of the Board to delay approval of the  
Minutes for one week.

IV. Consideration of Appeals

A. 1140 Sutter St.

Tenant filed a petition regarding decreased services and  
excessive rent increases since April of 1982, and prevailed  
regarding repayment for null and void rent increases.  
Landlord's appeal maintained that tenant violated the lease  
by having an additional occupant in the unit, and that the  
refund should be set aside due to back rent the tenant owes.

MSW: To deny this appeal. (Marshall/Chinchilla)

MSC: To hear this case de novo at the Board level  
on the issue of the rent increases in excess  
of the guidelines. (Payne/Carrico: 5-0).

B. 2280 Pacific Ave.

Tenants filed petitions for decreased services and failure  
to repair due to alleged lack of heat and hot water,  
inadequate security, leaks, faulty radiator, defective  
elevators, etc. Hearing Officer denied the annual increase  
until landlord makes the necessary repairs. Landlord's  
appeal maintains that the heat and hot water are adequate,  
and that tenants brought up new allegations at the hearing  
that they were unprepared to rebut.





It was the consensus of the Board to put the case over for one week.

C. 520 Jones

Tenants filed petitions regarding decreased services due to alleged removal of lobby furniture, T.V., and hall phones; reduced linen supply; reduced front office business hours; and several other maintenance/repair items. Hearing Officer held that tenants had failed to meet their burden of proof regarding the substantial nature of these alleged decreases in service. Tenant's appeal maintained that there was no substantiation for this denial contained in the decision.

MSC: To remand this case to the same Hearing Officer to make Findings of Fact.  
(Marshall/Carrico: 5-0).

D. 1020 Carolina

Tenant petitioned regarding past rent increases in excess of the guidelines and was awarded reimbursement of sums overpaid. Landlord's appeal alleged that tenant had orally agreed to the rent increases, that tenant was paying less than market rent, and that reimbursement would impose a hardship on the landlord.

MSC: To deny this appeal.  
(Marshall/Chinchilla: 4-1; Payne dissenting)

E. 3806 Clay St.

Landlord petitioned for certification of certain capital improvements which were denied by the Hearing Officer as having been contemplated at the time of rental. Landlord's appeal denied that this was the case.

MSC: To deny this appeal. (Marshall/Curran: 5-0)

F. 2385 California St.

Landlord petitioned for certification of a solar heating system, which was granted. Landlord's appeal maintained that the energy rebate he received from PG&E should not have been deducted and that the increase should have been granted from the date of installation.

MSW: To remand this case to a Hearing Officer to determine the issue of interest and whether or not the landlord had received a loan.  
(Payne/Curran)



MSC: To deny this appeal. (Marshall/Curran: 5-0)

G. 1365 Valencia

Tenants were granted a rent reduction for decreased services due to their refrigerator having been replaced by a smaller one and the fact that their oven had not been working. Landlord's appeal maintained that the Hearing Officer had abused her discretion in granting the rent reduction.

It was the concensus of the Board to put this case over for one additional week.

V. Communications

The Board received the following communications:

- A. Copy of an appeal decision in the on-going case at 3848 Sacramento Street. The Board agreed to slightly change the decision before it will be signed by President Chinchilla.
- B. A newspaper article regarding the increase in sewer charges accompanied by an inquiry from a landlord regarding procedures for passing on these charges.
- C. A copy of the Stipulated Agreement in the case at 3055 Clay Street.
- D. A letter from a tenant to Landmark Realty regarding their demand for an increase in his security deposit.

VI. Director's Report

- A. The Executive Director showed the Board the job description for the positions of Deputy Director and Rent Board Supervisor, and reported that Civil Service tests to make these positions permanent will be given in the near future.
- B. Executive Director Hernandez briefly discussed workload statistics for the last six years.

VII. Old Business

- A. 1141 South Van Ness

Consideration of this case will be put over to next week so that Commissioner Curran can listen to the tape of the appeal hearing.



B. 3055 Clay St.

MSC: To adopt the provisions of this Stipulation  
as the Board's ruling in this matter.  
(Carrico/Marshall: 5-0).

VIII. New Business

A. An Order regarding the case at Parkmerced will be brought to  
the Board for discussion next week.

IX. Calendar Items

July 23, 1985

3 appeal considerations  
1 appeal hearing

Old Business

250 Taylor St. #66  
Parkmerced

July 30, 1985

3 appeal considerations

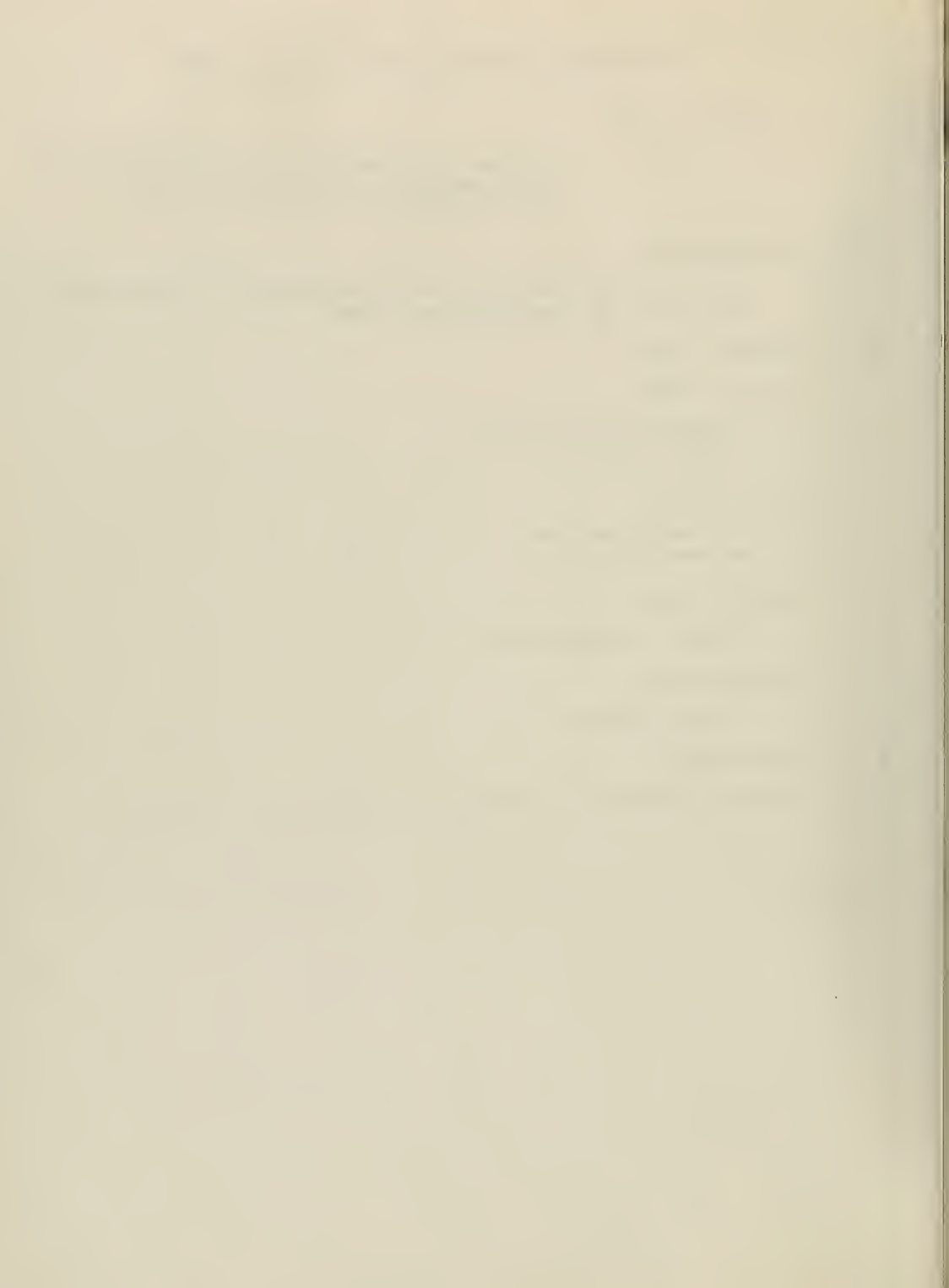
August 6, 1985

1 appeal hearing

X. Adjournment

President Chinchilla adjourned the meeting at 7:26 p.m.

7/17/85:ap





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
July 23, 1985

State Building, 350 McAllister St. #1158

AGENDA

- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 572 San Jose Ave. (G32-1(A))
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - None
- VIII. Old Business
  - A. 250 Taylor St. #66
  - B. Park Merced
- IX. New Business
- X. Appeal Hearing
  - 1. 3559-17th St. (F30-16(A))
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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p.m. 1. 3559-17th St. (F30-16(A))

7/19/85:ap







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, July 23, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

F  
52  
2  
3/85 I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Chan, Chinchilla, Marshall, Moy  
Commissioners not Present: Alviar, Waller  
Staff Present: Hernandez, Francis

Commissioner Curran and Carrico appeared on the record at 5:37 p.m.; Commissioner Jackson appeared on the record at 5:40 p.m.; Commissioner Chan went off the record at 8:05 p.m.; Jackson, 9:00 p.m.; Carrico at 9:10 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 9,  
1985. (Moy/Marshall: 4-0)

MSC: To approve the Minutes of July 16, 1985.  
(Marshall/Payne: 5-0)

IV. Consideration of AppealsA. 527 San Jose Ave. [G32-1(A)]

Tenant filed a petition alleging an illegal rent increase. Landlord appealed Hearing Officer's determination that the rent increases for scavenger service and the improperly 7% annual rent increase calculated on an incorrect base rent, were null and void.

MSC: To excuse Commissioner Carrico from voting on this appeal. (Payne/Curran: 5-0)

MSC: To deny this appeal.  
(Curran/Marshall: 4-1); Payne dissenting.

B. 2280 Pacific Avenue [F30-24(A)]

Tenant filed petitions for decreased services and failure to repair due to alleged lack of heat and hot

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water, inadequate security, leaks, faulty radiator, defective elevators, etc. Hearing Officer denied the annual increase until landlord makes the necessary repairs. Landlord's appeal maintains that the heat and hot water are adequate, and that tenants brought up new allegations at the hearing that they were unprepared to rebut.

This consideration was continued from July 16, 1985

MSC: To deny this appeal.  
(Marshall/Curran: 5-0)

C. 1365 Valencia St. #3 [F30-17(A)]

Tenants filed a petition for decrease in services without a corresponding reduction in rent. Landlord appealed Hearing officer's determination that the tenants were entitled to an award of a rent reduction and he alleged that the Hearing Officer abused her discretion in making her decision.

This consideration was continued from July 9, 1985.

MSC: To deny this appeal.  
(Marshall/Chinchilla: 3-2); Carrico,  
Payne dissenting.

V. Communications

- A. The Board received the following decisions for their changes:
1. 3620 - 18th Street #32 - approved as written.
  2. 2741 Judah - A slight change in the wording will be made before it is signed by the President.
  3. 1113 - 1133 Green Street - The Board President will review this decision prior to signing it.
- B. A letter from the Mayor requesting a detailed description of employee work patterns. The Director gave the Board a copy of his response.
- C. A letter from the Tenderloin Housing Clinic describing the type of services they provide, their hours, and clinic locations.
- D. A copy of the Tenant Times, July/August 1985 edition.



- E. A letter from the parties at 1141 South Van Ness describing a settlement which is presently being negotiated. It was the consensus of the Board to postpone making a decision on this case for two weeks.

VI. Director's Report

- A. The Controller has requested that all City Departments designate 5% of their budget which can be put in reserve pending possible budget cutbacks. The Director submitted to the Board proposals for cutbacks in order of priority.
- B. The Director reported that there has been an increasing number of phone calls, petitions, and walk-in traffic. We have exceeded our maximum capacity for the number of hearings we can hold, and we are therefore accumulating a backlog.

VII. Consideration of Allegations of Wrongful Evictions

None.

VIII. Old Business

A. 250 Taylor Street #66

MSC: The Rent Board sets aside that portion of its decision dated August 30, 1984, entitled: "Case Nos. E146-3 to 6(P); F22-39(A); 250 Taylor Street #33, 52, 57, and 66," which voids the rent increase to tenant Rouleau and orders a refund. The Rent Board further orders a new hearing to be conducted in this matter. (Marshall/Payne: 5-0)

B. Parkmerced

The Board has been ordered to make findings in its decision, Case No. F22-3(A), as a result of a writ filed by the tenants. The Board will review the documents relating to this case and prepare written findings.

- C. The President received a letter from Robert Perez of the Consumer Fraud Division of the District Attorney's Office regarding the status of the Board's referral of the property located at 2433 Franklin St.

IX. New Business

None.



X. Appeal Hearings

3559 - 17th St. [F30-16(A)] (Considered July 2, 1985)

Landlord filed a petition for capital improvements increase. Landlord appealed Hearing Officer's determination that the petition for certification of capital improvements was denied, because the costs were not justified under the Rules and Regulations.

MSC: To certify the value of the capital improvements as given in the estimator's report in the amount of \$8,605.00, plus interest.  
(Curran/Payne: 4-1); Marshall dissenting.

XI. Calendar Items

July 30, 1985

3 Appeal Considerations

Old Business

2433 Franklin

August 6, 1985

2 Appeal Considerations

1 Appeal Hearing  
- 878 York Street

Old Business

- 1141 South Van Ness  
- Parkmerced

New Business

Prien Properties

XII. Remarks from the Public

None.

XIII. Adjournment

President Chinchilla adjourned the meeting at 9:27 p.m.





# ANALYSIS OF AGENCY WORKFLOW

	Fiscal Year <u>A/</u> 79-80	Fiscal Year 80-81	Fiscal Year 81-82	Fiscal Year 82-83	Fiscal Year 83-84	Fiscal Year 84-85	Total
Reg. Tenant Petitions	2,302	2,813	2,261	1,169	1,273	1,125	10,943
Reg. Landlord Petitions	426	311	<u>C/</u> 1,183	3,113	747	352	6,132
Tenant Appeals	52	72	56	69	157	88	494
Landlord Units Appealed	202	521	430	329	288	710	2,480
Summary Tenant Petitions	-	-	<u>C/</u> 162	641	413	417	1,633
Cap. Improv. Certifications	-	-	-	-	2,529	2,720	5,249
Subtotal	2,982	3,717	4,092	5,321	5,407	5,412	26,931
Eviction Reports	-	<u>B/</u> 513	739	727	892	949	3,820
Total	2,982	4,230	4,831	6,048	6,299	6,361	30,751

- A) Petitions were first accepted in June 1979
- B) Eviction Reports were first accepted in October 1980
- C) Rent law amended to require landlords to apply for over guideline increases in March 1982; Summary Petitions first accepted for overguideline increases in April 1982.
- D) Capital Improvement certifications were transferred from the Real Estate Dept. in October 1983; if a landlord files for both types of rent increases it is only counted in the capital improvement category.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, July 30, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:32  
p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Payne,  
Waller.

Commissioners not Present: Alviar, Jackson, Moy

Staff Present Hernandez, Wicks:

Commissioner Chan and Curran appeared on the record at 5:37  
p.m.; Commissioner Carrico appeared on the record at 5:57  
p.m.

III. Approval of the Minutes

MSC: To approve the minutes of July 23,  
1985, with the following  
correction: II Roll Call: add  
"Payne". (Payne/Marshall:3-0)

IV. Consideration of Appeals

A. 757 Sutter (G32-6(A))

Landlord appealed Hearing Officer's decision granting  
tenants decrease in service awards and disallowing  
the owner's P.G. & E. pass-through. Landlord objected  
to the rejection of his utility documentation since  
all he could obtain from the previous owner was ledger  
sheets.

MSC: To remand the case to a new  
Hearing Officer on the P. G. & E.  
issue:  
(a) Determine which year a utility  
pass-through was first assessed;  
(b) Consider Rule 4.11(f) in  
determining the competency of the  
ledger documentation.



B. 1790 Jackson Street, #402

Tenants appealed the determination of the Hearing Officer that the landlord's requested P.G. & E. pass-through amount was correct. Tenant maintained that costs of operating the laundry system and the manager's unit were included and questioned the base year allowed by the Hearing Officer.

MSC: To deny the appeal.  
(Payne/Chinchilla:2-2; Curran and Marshall dissenting)

MSC: To remand the case on the record:  
a. to determine if the manager's unit and laundry room costs are included in the pass-through;  
b. To clarify the discrepancy in the figures on p.3. lines 23 through 25.  
Marshall/Curran:3-1; Payne dissenting)

C. 2190 Bay #202

Landlord protested Hearing Officer's determination that tenant should be awarded for loss of exclusive use of a garage space. Landlord maintained that he had received oral conformation that his request for a hearing postponement had been granted but that the hearing was held, as scheduled, in his absence.

MSC: To remand for a new hearing before a new Hearing Officer.  
(Payne/Curran:5-0)

V. Communications

- A. Randy Shaw, attorney for the Tenderloin Housing Clinic, wrote to express his concern about the delay in setting hearings because of budgetary restraints.
- B. The Commissioners approved the appeal hearing decision for 115-117 Pixley.
- C. A letter in support of his appeal was submitted by Dr. Rudolph Koppl for 2190 Bay #202.



Page three of the minute of July 30, 1985



- D. The Commissioners were given copies of the MBO Fourth Quarter Reports and Executive Director Ricardo Hernandez discussed the statistics.

VI. Director's Report

- A. Executive Director Hernandez discussed at length the Phase D Revenue Turnaround Report. Various problems with proposed budget cuts were discussed.

VII. Consideration of Allegations of Wrongful Evictions

Staff Recommendations:

- A. 1500 Judah #5 (F120-15(E))

The tenants moved in November 1979. Although previous owner had a late fee clause in the rental agreement, he was flexible and allowed the tenants to occasionally pay late without penalty. In January 1982 the building was sold. The new owner was at first flexible and took no action when rent was late. More than two years later (April 1985) the owner's attorney sent a 30-day notice for habitual late payment of rent over the last 16 months. No warning letter had been sent, and late charges had apparently been assessed only for January and February 1985. The Hearing Officer found the eviction to be without just cause.

Recommendation: That the Board write the landlord cautioning him against pursuing any eviction action on this matter.

MSC: To accept the staff recommendation: (Carrico/ Marshall:5-0)

- B. 1415 Franklin #402 (F124-27(E))

The tenancy began May 1, 1985 at \$475.00. On June 5, tenant gave the manager a list of needed repairs, most of a minor nature and existing since the commencement of the tenancy. The letter also advised the owner that rent would be withheld until the repairs were completed. The following day tenant was given documents that included the following: notice to remove all items in the storage area within 24 hours or the manager would "dispose of at will," notice that







in 24 hours the tenant's unit would be entered, inspected, and photographed in order to document damage which "would be added to the lawsuit again(him)," and a three day notice, with oral indications that the police would remove him after three days. (The three-day notice was defective but a UD was filed). The tenant did not appear at the hearing. He has since retained volunteer legal counsel to defend the UD action.

Recommendation: To follow the Hearing Officer's recommendation: "Landowner should be further advised that Mr. Anderson's extremely vindictive, obviously retaliatory and inarguably heavy-handed tactics may adversely effect his(possibly) otherwise lawful eviction efforts and possibly subject him to liability for consequent damages."

MSC: To accept Staff's recommendation.  
(Payne/Marshall:5-0)

C. 320 Monterey Blvd. #C (Fl20-30(E))

Tenant took up residence in 1979. A November 1984 letter noticed a rent increase and stated that the property was being put on the market. The tenant was notified that if the property had not sold by February 1, 1985, one of the owners' college-age children would move into tenant's unit. Landlord stated the eviction was necessary because the family home was being sold as part of a dissolution action and the family members would be forced to relocate. The notice omitted the advice clause, no other notice was ever served. The tenant negotiated a March 1 date, and owner's son moved in March 3 and still resides there. The property was listed for sale as of September 12, 1984 and relisted January 25, 1985. An offer made in March was rescinded in May. The property had not sold as of the June 12, 1985 hearing.

Recommendation: To write a cautioning letter to the landlord because of the defective notice and because the owner could not reasonably believe that his son would live there the required twelve months since the property was for sale.





MSC: To accept the Staff's  
recommendation:  
(Marshall/Chinchilla:5-0)

VII. Old Business

A. 2433 Franklin

After some discussion of this case, it was the consensus of the Board to schedule an executive session for the August 6 meeting to continue the discussion.

- B. President Chinchilla reported that he will be distributing printed proposed rule changes in the next few weeks.

IX. Calendar Items

August 6, 1985

2 appeal considerations  
1 appeal hearing: 877 York (F30-3(A)).

August 13, 1985

4 appeal considerations  
1 appeal hearing: 1140 Sutter (F30-23(A)).

August 20, 1985

No meeting.

X. Adjournment

President Chinchilla adjourned the meeting at 7:30 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

August 6, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

\*\*\*\*\*

- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 757 Sutter St. [G32-6(A)]
- B. 1790 Jackson St. #402 [G32-7(A)]
- C. 2190 Bay St., #202 [G32-8(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- None
- VIII. Old Business
- A. 2433 Franklin St.
- IX. Appeal Hearing
- None
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, August 6, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Payne  
Commissioners not Present: Alviar, Chan, Curran, Jackson,  
Waller  
Staff Present: Hernandez, Wolf

Commissioner Moy appeared on the record at 5:36 p.m.;  
Commissioner Carrico appeared on the record at 5:39 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 30, 1985 with  
the following correction: IV., A. MSC: add  
(Payne/Chinchilla: 4-0). (Payne/Marshall:  
3-0).

IV. Consideration of Appeals

A. 5513 Mission St. [G32-9(A)]

Tenant prevailed on a petition regarding excessive rent increases and decreased services due to lack of heat and plumbing problems. An eviction notice had been issued to tenant due to additional occupants in the unit; tenant agreed to vacate by August 1st. Landlady claimed hardship in her appeal.

MSC: To schedule this case for a de novo hearing  
at the Board level (Payne/Carrico: 4-0).

B. 943-53 Guerrero

Landlord's petition for capital improvement certification had been dismissed by the Hearing Officer as landlord failed to appear. The Hearing Officer felt that insufficient documentation had been presented with the petition, that some of the items were repair work, and that it was unclear whether all of the units benefitted from the work. Landlord maintained that he hadn't received notice of the hearing; tenants alleged that landlord had such knowledge.

MSC: To deny this appeal. (Marshall/Chinchilla:  
3-1; Payne dissenting).





V. Communications

The Board received the following material:

- A. A Directory of City and County Officers.
- B. A quote from Judge Ira Brown from the August 6, 1985 Recorder.
- C. Monthly workload statistics for July.
- D. A memorandum from the Mayor's Office regarding the procedures that will be used in developing the 1986-1987 budget.

VI. Appeal Hearing

- A. 878 York St. [F30-3(A)] (Considered June 4, 1985)

An appeal hearing was scheduled for 6:00 p.m. and commenced at 6:25 p.m. In appearance were landlord and his attorney; no appearance was made by tenants. Tenant had petitioned regarding decreased services and a failure to repair. Hearing Officer denied the annual increase until the landlord makes requested repairs and ordered that a rent reduction shall commence if the landlord fails to provide heat. Hearing Officer also found an attempted wrongful eviction on the part of the landlord.

After hearing testimony from the landlord, the Board found that a good faith effort to repair had been made and that the landlord had been denied access. After making the following motion, the Board noted that the tenant can re-file if repairs are not made after providing reasonable access. The Board recommended that the landlord put requests for access in writing.

- MSC: To restore the 11% rent increase and vacate the \$60 rent reduction from September 1, 1985, as the landlord has been denied access to make the necessary repairs. The anniversary date shall remain February 1st. (Payne/Carrico: 4-0).
- MSF: To find a wrongful eviction. (Marshall/Chinchilla: 2-2; Payne and Carrico dissenting).
- MSF: To leave the first sentence of the Hearing Officer's recommendation as it stands and



vacate the rest of the paragraph.

(Marshall/Chinchilla: 2-2; Payne and Carrico dissenting).

MSF: To take no further action. (Payne/Carrico: 2-2; Chinchilla and Marshall dissenting).

It was the consensus of the Board to continue consideration of this eviction for three weeks and to encourage the parties to arrive at an agreement.

VI. Old Business

A. 1141 South Van Ness

It was the consensus of the Board to put over consideration of this eviction for three weeks to enable the parties to reach a settlement.

B. Parkmerced:

No decision will be issued at this time.

C. 2433 Franklin St.

Executive Session

The Board discussed this case, per Government Code Section 549.56.9, and made the following motion:

MSC: To refer this case to the City Attorney for an evaluation of possible prosecution for damages or injunctive relief.  
(Payne/Chinchilla: 4-0).

VII New Business

A. Staff member Delene Wolf requested the Board take action against landowner Henry Prien for repeated attempts to illegally increase rents and other violations of the rent law.

MSC: To refer this landlord to the District Attorney for possible criminal prosecution and to the City Attorney for possible damages and injunctive relief. (Payne/Marshall: 4-0).



VIII. Calendar Items

August 13, 1985

4 appeal considerations

August 20, 1985

No meeting

August 27, 1985

1 appeal consideration

1 appeal hearing: 5513 Mission St.

Old Business: 878 York St.

IX. Adjournment

President Chinchilla adjourned the meeting at 8:26 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

August 13, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 144-150 Carl St. [G32-2(A) to G32-5(A)]
- B. 940 Post St., #5 [G32-11(A)]
- C. 360- 32nd Ave., #10 [G32-12(A)]
- D. 111 Yale St. [G32-13(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- None
- VIII. Old Business
- 878 York St. [F30-3(A)]
- IX. New Business
- X. Appeal Hearing
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, August 13, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

F  
52  
2  
3/85  
I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Payne, Chan, Curran  
Commissioners not Present: Jackson, Moy, Waller  
Staff Present: Francis, Wicks

Commissioner Carrico appeared on the record at 5:42 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 6, 1985.  
(Payne/Alviar: 4-0)

IV. Consideration of Appeals

A. 144 - 150 Carl St. [F36-38(P) TO F36-41(P)]

Four tenants appealed Hearing Officer's determination that the subject building was subject to the RAP Ordinance, not the Rent Ordinance, and that rents were accordingly regulated by the RAP rules.

MSC: To uphold the Hearing Officer's decision and deny the appeal. (Payne/Alviar: 4-0).

B. 940 Post St. # 5 [F36-24(P)]

Landlord appealed Hearing Officer's ruling that a rent increase of \$100 for the presence of tenants' two children, in excess of the two persons allowed in the rental agreement, was null and void since the manager had known the children moved in with the parents three years earlier. Landlord maintained that the manager had no right to approve the additional tenants.

MSC: To deny the appeal; and to make a technical correction by deleting lines 6 through 10, page 3, under Conclusions of Law.  
(Payne/Alviar: 5-0).

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C. 360- 32nd Ave., #10

Landlord appealed Hearing Officer's disallowance of certain capital improvement pass-throughs because tenants had not resided on the premises the required length of time. Landlord asked for reconsideration for tenant in #10 because landlord had submitted incorrect dates.

MSC: To deny the appeal without prejudice.  
Landlord may refile on the issue of stucco work for #10. (Carrico/Marshall: 5-0).

D. 111 Yale St. [F34-41(P) and F112-41(E)]

Tenant appealed Hearing Officer's determination that found an excessive rent increase null and void but informed the owner that a 22 percent banked increase would be allowable. Hearing Officer also found and eviction attempt wrongful in that landlord gave the tenant the option of paying the excessive rent increase or vacating. Tenant maintained that the allowable banked increase was only 8 percent and informed the Board that a three-day eviction notice had recently been served on him without just cause.

MSC: To accept the case de novo at the Board level on all issues, including the eviction matter. (Payne/Marshall:L 5-0).

V. Communications

- A. Several owners wrote to ask that the Board consider implementing an insurance pass-through, similar to the PG&E pass-through, because of rapidly rising insurance premiums.
- B. An article from San Francisco Business including a write up of Commissioner Moy was distributed.
- C. West Bay Legal Coop sent a letter detailing the services they offer and fees charged.
- D. Civil Service notified the Rent Board that the Citizens Complaint Officers were exempt from restrictions set on overtime compensation.

VI. Old Business

- A. 878 York St. - It was brought to the Board's attention that they had entertained testimony on all issues involved in the original case at the August 6, 1985 Board appeal hearing; the case had been accepted by the Board - and the parties noticed - on the eviction matter only. The eviction was



subsequently dismissed by the landlord. Tenant did not appear at the appeal hearing and therefore could not give testimony on the non-eviction matters.

MSC<sup>1</sup>: To reconsider the decision of the August 6, 1985 hearing. (Payne/Marshall: 5-0).

MSC<sup>2</sup>: To vacate the decision of the August 6, 1985 hearing. (Payne/Marshall: 5-0).

MSC<sup>3</sup>: To reconsider the June 4, 1985 vote to accept the appeal.

MSC<sup>4</sup>: To accept the appeal de novo on all issues with notice to all parties of an August 27, 1985 hearing before the Board.  
(Payne/Marshall: 5-0).

B. President Chinchilla stated that the proposed Rules changes are going to the printer this week.

#### VII. New Business

A. Commissioner Chan requested that the following items be considered:

1. Update on the recruitment of bilingual/minority hearing officers. Deputy Director Susan Francis responded with details of the recruitment and interview process currently underway.
2. Scheduling of another Commission meeting in a community area, particularly in Chinatown. October 8, 1985 was suggested. Commissioner Payne made a request that a normal meeting be conducted, with recognition that certain adjustments should be made for prolonged deliberations.
3. Holding initial hearings away from the Rent Board office as a means of alleviating scheduling problems and as an accommodation to the parties. This item will be calendared for September 3, 1985.

#### VIII. Calendar Items

August 20, 1985

No meeting.



August 27, 1985

4 appeal considerations

2 appeal hearings:

5513 Mission St. (original consideration 8/6/85).

878 York St. (rehearing from 8/6/85).

Executive Session: 3149 California St.

IX. Adjournment

President Chinchilla adjourned the meeting at 6:40 p.m.

8/14/85:ap







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

August 27, 1985

State Building, 350 McAllister St. #1158

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 75 Capra Way #202 [G32-14(A)]
  - B. 960 Bay #9 [G32-15(A)]
  - C. 320 Monterey Blvd. #3 [G32-16(A)]
  - D. 1275 Greenwich St. [G32-17(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
  - None
- VIII. Old Business
  - A. Community meeting October 8, 1985
- IX. New Business
- X. Appeal Hearing
  - 1. 5513 Mission St. [G32-9(A)]
  - 2. 878 York St. [F112-1(E) and F24-27(P)]  
reopening of August 6, 1985 hearing.
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Executive Session: 3149 California St.
- XIV. Adjournment

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00 p.m.  
45 p.m.

8/14/85:ap

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, August 27, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Curran,  
Payne

Commissioners not Present: Carrico, Chan, Jackson, Waller

Staff Present: Hernandez, Wolf

Commissioner Moy appeared on the record at 5:39p.m.;

Commissioner Marshall appeared on the record at 5:43 p.m.;

Commissioner Curran went off the record at 7:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 13, 1985,  
with the following addition: P. 3,  
MSC<sup>3</sup> (Payne/Marshall: 5-0).  
Payne/Alviar: 3-0).

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IV. Consideration of Appeals

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A. 75 Capra Way #202

Tenant petitioned regarding a PG&E pass-through which included garbage. Tenant failed to pay the 4% as well, and was issued a 3-Day Notice. Hearing Officer agreed with tenant that the entire increase was null and void. Landlord failed to appear at the hearing, but maintained in his appeal that a second notice for the 4% only, had been properly issued.

MSC: To remand this case to staff for a  
technical correction on the issue of  
proper 30-Day Notice only.  
(Alviar/Payne: 4-1; Marshall dissenting).

B. 960 Bay St., #9

Tenant petitioned regarding decreased services due to the transfer from steam heat paid by the landlord to electric heaters paid for by tenants, and a lack of hot water for eight days. Tenant maintained that the new heaters are inadequate and that the building's wiring is insufficient to support them. Landlord's maintained in his appeal that the



new heating system is superior and that he had offered to reduce tenants' rents the amounts of the PG&E bills. Hearing Officer ordered a rent reduction until such time as the steam heat is restored.

MSC: To remand this case to a new Hearing Officer for a new hearing. (Payne/Alviar: 5-0).

C. 320 Monterey

Landlord gave tenant a defective Notice to Vacate, in which he said that his son would move into the property if it hadn't sold by the effective date of the Notice. Hearing Officer found the eviction wrongful as the landlord could not reasonably expect that his son would remain for one year. The Board President sent a cautionary letter to the landlord. Landlord maintained in his appeal that "formal" notice hadn't been given and that it is not necessary for the evicting party to have intent to reside for at least a year.

MSC: To deny the appeal. (Marshall/Moy: 5-0).

D. 1275 Greenwich St.

Hearing Officer denied the pass-through of weatherproofing costs until certain conditions are met as tenants stated that the problem is due to the fact that the windows don't fit and maintained that this was the third time in three years they had been asked to pay for the cost of work done to the wall. Landlord maintained in his appeal that this was the first time waterproofing had been done on the exterior west wall and that the tenants had not paid for this work before. Hearing Officer ordered that this be the final waterproofing job these owners attempt to pass through.

MSC: To remand this case to staff for the following technical correction: That (c) on page 2 under "Conclusions of Law" shall be stricken. (Marshall/Payne: 5-0).

V. Appeal Hearings

A. 5513 Mission St. [G32-9(A)]

Tenant prevailed on a petition regarding excessive rent increases and decreased services due to lack of heat and plumbing problems. An eviction notice had been issued to tenant due to additional occupants in the unit; tenant agreed to vacate by August 1st. Landlady claimed hardship in her appeal.

On August 6, 1985, the Board accepted the appeal de novo.



Appearing: Teresa Joyner, landlord; and Felixberto Padoan, tenant.

MSC: To find that no decrease in services exists in this case. (Payne/Alviar: 3-2; Chinchilla, Marshall dissenting).

MSC: To find that no attempted wrongful eviction exists in this case. (Payne/Alviar: 3-2; Chinchilla, Marshall dissenting).

B. 878 York St. [F30-3(A)], originally heard 8/6/85.

Tenants had petitioned regarding decreased services and an alleged failure to repair. Hearing Officer denied the annual increase until the landlord makes requested repairs and ordered that a rent reduction shall commence if the landlord fails to provide heat. Hearing Officer also found an attempted wrongful eviction on the part of the landlord.

On June 4, 1985, the Board accepted the appeal and scheduled a Board hearing on the eviction issue only. At the Board hearing on August 6, 1985, issues in addition to the eviction were addressed. Therefore, on August 13, 1985, the Board rescinded their original consideration vote of June 4, 1985 and vacated the decision of the appeal hearing of August 6. The appeal hearing of August 27 was de novo on all issues originally brought before the Hearing Officer.

Appearing for the landlord: Moises Frias and Fernando Barragan, landlords; K. Tsenin, attorney for landlords.

Appearing for the tenants: Benjamin and Blanca Sanchez, tenants; Fernando Morales and Gloria Perez, witnesses for tenants; Lane Parker, attorney for tenants.

After taking evidence and hearing testimony, it was the consensus of the Board to continue this case for three weeks to allow the parties to enter in good faith negotiations.

#### VI. Communications

The Board received the following communications:

- A. Job announcements for currently available positions at Legal Assistance for the Elderly.
- B. Various newspaper articles, including one on State Bar's ethics opinion on attorney/client confidentiality.
- C. Copy of an Appeals Court decision regarding the need for San Francisco landlords to have "just cause" for eviction even in the event of a foreclosure.





- D. Copies of letters from landlords requesting that the Rent Board institute an automatic pass-through for insurance costs.
- E. Copy of a Police Department Incident Report in the case of an illegal lock-out.

VII. Director's Report

- A. The Executive Director informed the Board that there will be a training session for new Hearing Officers on Thursday, August 29, 1985, from 9:30 a.m. - 12:30 p.m.
- B. The Director informed the Board that a bill exempting condominiums from certain housing code requirements had passed in the Planning, Housing and Development Committee of the Board of Supervisors and had been postponed for one week at the full Board.
- C. Director Hernandez reported that scheduling problems created by increased workload had eased up somewhat.
- D. The Executive Director let the Board know that Ed Lee, of the Asian Law Caucus, will be making the arrangements for the Board's meeting in Chinatown on October 8, 1985.

VIII. Adjournment

President Chinchilla adjourned the meeting at 9:50 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, September 3, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Jackson  
Commissioners not Present: Payne, Waller  
Staff Present: Charles, Hernandez, Wicks

Commissioners appearing on the record late: Marshall at 5:37 p.m.; Curran and Chan at 5:38 p.m.; Moy at 5:39 p.m.; Carrico at 5:43 p.m. Commissioner Moy went off the record at 6:26 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 27 as  
written. (Alviar/Jackson: 3-0).

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IV. Consideration of Appeals

SEP 13 1985

A. 1843- 39th Ave.

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Landlord appealed Hearing Officer's determination that a \$100 rent increase in 1982 and a \$175 increase in 1985 were null and void as they were for over the guideline amounts. Landlord, and out-of-state resident, admitted ignorance of the law but argued that tenant had instigated an agreement for the increases, and that the second increase followed three years without raising the rent.

MSC: To accept the appeal de novo at the Board level, addressing both the rent increase and eviction issues. (Alviar/Jackson: 5-0).

B. 15 Cervantes #306 [G32-19(A)]

Landlord appealed Hearing Officer's ruling that disallowed capital improvement costs for one involved unit since Hearing Officer could not find a petition for that unit. Landlord insisted he had submitted the petition; such was discovered through staff investigation.

MSC: To remand the case to a new Hearing Officer to review the capital improvement certification. (Marshall/Alviar: 5-0).



V. Communications

- A. Two letters were received from landlords requesting consideration of an insurance increase pass-through policy.
- B. Commissioner Chinchilla distributed draft proposals for changes in the Rules and Regulations. Preliminary discussion is scheduled for September 24, 1985.

VI. Director's Report

- A. Executive Director Ricardo Hernandez informed the Board of two new employees to the staff. Ms. Doris Charles, was introduced to the Commissioners.
- B. Mr. Hernandez informed the Board that the Deputy Director Susan Francis will be leaving the staff sometime in October as a result of a family job transfer.
- C. Civil Service is continuing the process of arranging for testing and certification of the list for the Rent Board Supervisorial positions.
- D. Director Hernandez discussed the possible reorganization of the Rent Board office procedures in light of the potential passage of the Ellis bill, SB505.
- E. Mr. Hernandez testified before the Board of Supervisors concerning an amendment that would exempt condos from meeting the requirements of the heating and security ordinances.
- F. Seven new Hearing Officers were trained by the Rent Board staff on August 29, 1985.

VIII. Consideration of Allegations of Wrongful Eviction

- A. 732- 33rd. Ave. [F100-13(E)]

Tenant was given a notice to vacate for occupancy of one family owner. Tenant vacated January 20, 1985 after preliminary investigation by the Rent Board. The case was reopened in June when tenant indicated the apartment had remained vacant for five months. Hearing Officer found the eviction unlawful since utility bills and testimony of other residents and neighbors established a move-in date of late June 1985. Hearing Officer and staff recommended a stern cautionary letter to landlords.

- B. 233 Arkansas St. #4 [F126-20(E)]

Landlord purchased the building in 1984 and attempted to evict the subject tenants. After being informed the notice



was defective, landlord dropped the action. In June 1985 landlord served tenants with a notice to vacate their one-bedroom unit for owner-occupancy. The notice was defective and suggested the tenants could negotiate a new agreement on another vacant unit in the building. At the hearing it was established that owner had evicted another tenant for owner-occupancy and stored some of his belongings there but lived elsewhere with his wife and children. Landlord indicated that he wanted to bring the whole building up to market rent but did not want these tenants to remain regardless of what rent they paid. He said he wished to repair their unit but had no idea of what repairs might be needed. The Hearing Officer found the eviction to be blatantly unlawful and recommended referral for civil and criminal action.

- C. 1340 Taylor St. #2 [F122-12(E)]  
1360 Taylor St. #1 [F122-10(E)]

The two involved tenants had been involved with other tenants in a successful rent reduction case in 1983. In January 1985 landlord attempted to raise the rent. Pursuant to the 1983 Rent Board decision, tenants refused to pay the increase because some of the mandated repairs had not been made. Tenants were given three-day notices for failure to pay the increases. Hearing Officer found that the disputed repairs had not been made and that the 1983 decision specifically precluded rent increases until all mentioned repairs had been completed. Hearing Officer and staff recommended a cautionary letter to landlord, continuing monitoring of the case, and civil or criminal action if the evictions are pursued.

- D. 415 Pine St. #9 [G130-34(E)]

An oral notice of rent increase from \$250 to \$364.97 was given to tenant in the hospital by a friend dealing with her housing matters during tenant's illness. An Unlawful Detainer was filed following a three-day notice for failure to pay the increase. Tenant filed for wrongful eviction, decrease in services, and failure to repair. Hearing Officer declared the increase to be null and void because no written notice was given, the increase was excessive, and the landlord had failed to maintain and repair the tenant's unit. Accordingly, the eviction attempt was considered wrongful. Hearing Officer and staff recommended that the management company and owner be warned against proceeding with the unlawful detainer action; and that civil and/or criminal action be instituted if the owner or agent pursues the eviction.

- E. 1329 Sacramento St. #5 [F126-3(E)]

Tenant lived in another building of owner's for 6 years and the subject building of owner for 10 years, pursuant to an





oral agreement. During the 16 year relationship, tenant had made numerous late payments, but landlord had never complained and accepted the payments and occasional late fees. Recently, tenant requested permission to have a roommate. Landlord responded by sending a 27 clause written agreement which increase the rent from \$362.48 to \$650, and he demanded that tenant sign the agreement and remit a \$1,300 security deposit within 5 days or an eviction action would be filed. Tenant offered to pay a \$50 increase and offered to make extensive improvements at his own expense. The next day tenant was given a 3-day notice for failure to pay the 80% increase and a 30-day notice for habitual late payment. Hearing Officer found the eviction unlawful and recommended a stern letter be sent the owner cautioning against pursuit of the action.

F. 1017 Stockton St. #5 [G128-38(E)]

Tenant took over one room of a 14-room residential hotel in April 1984, shortly before her mother - the tenant in the unit since 1978 - vacated. Tenants in the building nearly all Asian, had traditionally handled building matters through a Mrs. Yim, whom they believed to be the building manager. (Mrs. Yim showed vacant apartments, had all the keys, and took repair requests.) Tenant and her mother had discussed the change in tenancy with Mrs. Yim, thereby giving notice. For one year the rent checks were signed by the new tenant with the subject address printed on the checks. The building broker had handed tenant the latest rent increase notice and had directly asked the broker for repairs. Tenant filed with the Rent Board for an excessive rent increase on June 2, 1985 and received an eviction notice June 28 for failure to notify the landlord of the new tenancy. The notice informed tenant that the eviction would be rescinded if tenant and her mother formalized the arrangement. Further, at the hearing the broker maintained vacancy decontrol applied. Hearing Officer found it reasonable for tenants to assume Mrs. Yim was the manager and that notice of the change in tenancy had been properly given; there appeared to be no prohibition against subletting or assignment in the rental agreement, as well. Hearing Officer found the eviction and rent increase to be improper and recommended a stern letter of caution against proceeding with the eviction.

MSC: To accept staff recommendation on all cases except 233 Arkansas #4, which case shall be set for a hearing before the Rent Board Commissioners. (Alviar/Marshall: 5-0).

VIII. Appeal Hearing

A. 111 Yale St. [G32-13(A)]

A hearing was scheduled before the Commissioners, de novo, at 5:45 p.m. At 6:30 a call was made to landowner since



tenants had appeared but he had not. Landowner indicated that he would not attend, on advice of his attorney. The Commissioners decided to convene the hearing as scheduled.

Appearing were tenants Ivan and Marlene Palacios and witness-interpreter Jilma Velasquez. The hearing was concluded at 7:12 p.m.

#### BACKGROUND

Two hearings were held before a Hearing Officer on consolidated cases covering excessive rent increase and alleged wrongful eviction.

The Velasquez family had vacated the house with six months remaining on their lease. Landlord encouraged them to find new tenants and accepted the Palacios as the new residents, June 1, 1983. On December 1, 1984, landlord anticipated a rent increase from \$650 to \$800. Tenant tendered a check of \$650 plus a 4 % increase of \$26. Landlord returned the check but later accepted several months worth of checks at \$700 per month. In March 1985, tenants sent a check for \$500 asking for credit from the previous months' overpayments. Landlord returned the check and gave the tenants approximately two weeks to vacate. Later landlord gave the tenants the option of vacating or signing a six-month lease for \$793 per month.

The Hearing Officer found that the rent increase was null and void, that the tenants' base rent was \$650, and that the landlord was entitled to "bank" a 22% increase. The arbitrator also found the eviction attempt unlawful and cautioned the landlord against proceeding with the matter.

#### Hearing Before the Commissioners

After considering the testimony and evidence presented before the Commissioners, it was determined that the Palacios established their own tenancy when they signed the new one-year lease on December 1, 1983. They, therefore, issued the following determination:

- MSC:
1. That the base rent is \$650.00
  2. Landlord is entitled to an 8% increase as follows:  
  
4 percent for December 1984 to December 1985; and 4 percent for December 1985 to December 1986.

Such increase must be given pursuant to a proper 30-day minimum written notice, to



be effective no sooner than December 1, 1985.

3. The Eviction Unit Supervisor shall follow up on and report to the Commissioners concerning the eviction matter.
4. This decision is without prejudice to the tenants filing a decrease in services petition. (Marshall/Carrico: 5-0).

IX. Old Business

- A. The Commissioners discussed the concept of an insurance increase pass-through.
- B. Commissioner Chan again expressed his interest in off-site Rent Board hearings.
- C. The Commissioners were reminded of the October 8, 1985 roundtable discussion.

X. Calendar Items

September 10, 1985

5 appeal considerations

September 17, 1985

1 appeal consideration

New Business: New MBO goals

Old Business: arrangements for October 8 roundtable discussion

Eviction hearing: 233 Arkansas #3 (original consideration September 3, 1985)

September 24, 1985

3 appeal considerations

1 appeal hearing: 1843- 39th Ave. (original consideration September 3, 1985)

Old Business: Proposed Rules changes.

XI. Adjournment

President Chinchilla adjourned the meeting at 8:00 p.m.

9/5/85:ap

0316A





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
September 10, 1985

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
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AGENDA

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- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 1290- 25th Ave. #304 [G32-20(A)]
  - B. 2560 Sutter St. #2 [G32-21(A)]
  - C. 152 Farallones St. [G32-22(A)]
  - D. 415 Winston Dr. #304 [G32-23(A)]
  - E. 409 "B" Lyon St. [G32-24(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions  
None
- VIII. Old Business
- IX. New Business
- X. Appeal Hearing  
None
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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9/5/85:ap

0318A







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, September 10, 1985 at 5:30 p.m. at the State Building  
350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Jackson, Marshall, Payne  
Commissioners not Present: Alviar, Carrico  
Staff Present: Francis, Hernandez

Commissioners appearing on the record late: Curran at 5:35; Chan at 5:40; Moy at 5:45; Waller at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 3, 1985 as  
written. (Marshall/Payne: 3-0).

IV. Consideration of Appeals

A. 1290- 25th Ave. #304 (G32-20(A))

Landlord appealed Hearing Officer's determination that a \$150 increase that the landlord sought to impose was null and void. Landlord is alleging that tenant no longer resides in the unit, and that the tenant's mother's status has changed from guest to permanent resident.

MSF: To accept the appeal de novo before the Board.  
(Payne/Chinchilla: 2-3, Curran, Marshall, Moy  
dissenting).

MSC: To deny the appeal. (Marshall/Curran: 3-2,  
Payne, Chinchilla dissenting).

B. 2560 Sutter St. #2 (G32-21(A))

Landlord appealed Hearing Officer's decision which denied tenant's petition for failure to perform ordinary maintenance and repair and decreased services. Hearing Officer also recommended that the landlord's attempted eviction be monitored by the Rent Board.

MSC: To deny this appeal. (Payne/Marshall: 5-0).

C. 152 Farallones St. (G32-22(A))

Landlord showed up for the first hearing on a tenant's petition, but the tenant did not. Landlord was not able to attend the second



hearing and appeals the Hearing Officer's decision which denied an annual rent increase until certain repairs are made.

MSC: To accept the appeal and remand to a new Hearing Officer. (Payne/Moy: 5-0).

D. 415 Winston Dr. #304 (G32-23(A))

One tenant filed an appeal on a decision which certified capital improvements to the Stonestown apartment complex. The tenant based his appeal on Section 6.12 of the Rules and Regulations, which is inapplicable for capital improvement petitions, and Section 7.15 of the Rules. The tenant also claimed bias on the part of the Hearing Officer.

It was the consensus of the Board to continue consideration of this case for one week so that certain members of the Board could review the tape.

E. 409 B. Lyon St. (G32024(A))

The decision of the original Hearing Officer was not available for the Board's review, so the consideration of this appeal will be continued for one week.

V. Communications

- A. A letter was received from John Walsh, Director of Civil Service, regarding compensation of Rent Board staff for overtime.
- B. The Director distributed a newspaper article about SB 505 and informed the Board that this piece of legislation was passed out of the conference committee of the State legislature on Monday.
- C. A letter was received from Supervisor Renne regarding across the board budget cutbacks. The Rent Board's budget will be discussed before the finance on October 3, 1985.

VI. Director's Report

- A. Mr. Hernandez presented the August, 1985 statistics. These figures are similar to July 1985 statistics in that the Rent Board has been very busy.
- B. The Rent Board is now meeting its MBO goal of scheduling all cases for hearing within 45 days of filing. Mr. Hernandez stated that because of the addition of seven new Hearing Officers, the Board will be able to again hold the 40 hearings a week that is the maximum the office can accommodate.
- C. Mr. Hernandez presented the following two appeal decisions for the Board's signature:



1. 3559 A 17th St.

This decision is approved, with one minor change.

2. 111 Yale St.

This decision will be revised by the Board.

VII. Calendar Items

September 17, 1985

Executive Session

3 appeal considerations (two continued from September 10, 1985)

1 eviction hearing

Old Business: 878 York St.

New Business: MBO goals

September 24, 1985

4 appeal considerations

1 appeal hearing

Old Business: Rules and Regulations

VIII. Adjournment

President Chinchilla adjourned the meeting at 7:00 p.m.

9/12/85:ap





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

September 17, 1985 at 5:30 p.m.

State Building, 350 McAllister St. #1158

AGENDA

I. Call to Order

II. Roll Call

III. Executive Session

IV. Approval of the Minutes

V. Consideration of Appeals

A. 380 Ivey St. (G32-25(A))

B. 4093 Lyon St. (F44-8(P) G32-24(A) continued from September 10, 1985)

C. 415 Winston Dr. #304 (G32-23(A) continued from September 10, 1985)

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Eviction

A. Hearings

1. 233 Arkansas St. #4 (F126-20(E) originally considered 9/3/85)

IX. Old Business

Arrangements for October 8, 1985 meeting in Chinatown

878 York St. (F112-1(E) and F24-27(P) originally heard August 6, 1985)

X. New Business

Discuss MBO

XI. Appeal Hearing

XII. Calendar Items

XIII. Remarks from the Public

XIV. Adjournment

DOCUMENTS LEFT.

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9/12/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, September 17, 1985 at

5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

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7/85  
I. Call to Order

President Chinchilla called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall  
Commissioners not Present: Jackson, Moy  
Staff Present: Hernandez, Wolf

Commissioner Waller appeared on the record at 5:32 p.m.;  
Commissioner Chan at 5:34 p.m.; and Commissioners Carrico,  
Curran and Payne at 5:35 p.m.; Commissioner Alviar went off the  
record at 7:32 p.m.

III. Executive Session

The Board discussed the cases at 3415- 22nd St. and 3149  
California St., per Government Code Section 459.56.9, and made  
the following motions:

MSC: To appeal the decision of the Superior Court  
regarding the case at 3149 California  
Street. (Marshall/Chinchilla: 4-1; Carrico  
dissenting.)

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MSC: To excuse Commissioner Payne from  
consideration of the case at 3415- 22nd  
Street. (Marshall/Alviar: 4-1; Carrico  
dissenting.)

MSC: To set aside the Board decision of April 23,  
1985 and remand this case to a new Hearing  
Officer for a new hearing.  
(Marshall/Alviar: 5-0).

IV. Approval of the Minutes

MSC: To approve the Minutes of September 10, 1985  
as written. (Alviar/Payne: 5-0).

V. Consideration of Appeals

## A. 380 Ivy/536 Octavia St.

Hearing Officer granted landlord's petition for  
certification of the costs of re-roofing and exterior



painting. Tenant's appeal maintained that the work constituted "normal maintenance", and not capital improvements.

MSC: To deny this appeal. (Payne/Alviar: 5-0)

B. 409 B Lyon St.

Hearing Officer awarded tenant a retroactive rent reduction due to previous inadequate garbage service. Landlord's appeal maintained that, in his decision, the Hearing Officer dealt with issues that were not addressed in the tenant's petition.

MSC: To excuse Commissioner Payne from consideration of this appeal. (Marshall/Alviar: 5-0).

MSC: To remand this case to the same Hearing Officer to: make Findings of Fact on the issues properly before him; and to make Conclusions of Law on the issues properly before him. (Marshall/Carrico: 3-1; Alviar dissenting).

C. 415 Winston Dr. #304

One tenant filed an appeal on a decision which certified capital improvements to the Stonestown Apartment complex. The tenant based his appeal on Section 6.12 of the Rules and Regulations, which is inapplicable for capital improvement petitions, and Section 7.15 of the Rules. The tenant also claimed bias on the part of the Hearing Officer.

MSC: To deny this appeal. (Carrico/Chinchilla: 5-0).

VI. Eviction Hearing

1. 233 Arkansas St. [F126-20(E)]

A de novo hearing before the Board commenced at 7:00 p.m. and concluded at 7:26 p.m. In appearance were tenant Thomas Yrene and his attorney, Ana Montano, and previous landlord Robert Ribeiro and his attorney, Gregory Winters. The Commissioners were notified at the beginning of the hearing that Mr. Ribeiro had sold the subject building two days prior.

Background

Mr. Ribeiro had purchased the building in 1984 and attempted to evict the subject tenants. After being informed the notice was defective, landlord dropped the action. In June



1985 landlord served tenants with a notice to vacate their one-bedroom unit for owner-occupancy. The notice was defective and suggested the tenants could negotiate a new agreement on another vacant unit in the building. At the hearing it was established that owner had evicted another tenant for owner-occupancy and stored some of his belongings there but lived elsewhere with his wife and children. Landlord indicated that he wanted to bring the whole building up to market rent but did not want these tenants to remain regardless of what rent they paid. He said he wished to repair their unit but had no idea of what repairs might be needed. The Hearing Officer found the eviction to be blatantly unlawful and recommended referral for civil and criminal action.

#### Hearing Before Commissioners

At the hearing before the Board, landlord stated that his having two addresses was due to marital difficulties and, at the Yrenes had previously given him "trouble" he had attempted to evict tenants in two units in hopes of obtaining one. At the present time, no eviction action is being pursued against these tenants.

MSC: To find an attempted wrongful eviction in this case and take no further action.  
(Payne/Alviar: 5-0).

#### VII. Communications

The Board received the following communications:

- A. A letter from Joan Mann Thomas, attorney for landlord Jack Klein, asserting errors in the Board's decision in case Nos. E134-16(P), F22-9(A) and F22-12(A). This matter will be discussed further next week.
- B. A letter to the Mayor from Old St. Mary's Housing Committee recognizing Susan Francis' contribution to the Rent Board.
- C. A Press Release from Sheriff Michael Hennessey regarding the sharp increase in the number of eviction cases referred to his department for action over the past three years.
- D. A letter thanking the Rent Board for their participation in the San Francisco Fair.
- E. Newspaper articles regarding: the necessity for landlords to have "just cause" to evict even in the event of a foreclosure; the pending U.S. Supreme Court case, Fisher vs. City of Berkeley; and the Ellis Bill currently before the State Legislature.



VIII. Director's Report

- A. The Executive Director provided the Board with a copy of the "State of the Rent Board" summary that he provided the Mayor for inclusion in her State of the City report.
- B. The Director informed the Board that the Mayor's Office has instructed all department heads to come up with proposals for increasing department revenues. This issue will be discussed further next week.

IX. Old Business

- A. Arrangements for the October 8, 1985 Board meeting to be held in Chinatown were discussed briefly.
- B. 878 York Street (originally heard August 6, 1985).

The parties to this case had been instructed to report back to the Board this week regarding any possible settlement negotiations. As there was no appearance by tenants or their attorney, this matter will be decided by the Board next week.

X. New Business

- A. The Rent Board's MBO goals for the coming year will be discussed next week.
- B. Board President Chinchilla and Executive Director Hernandez will meet with Civil Service on Friday to discuss the upcoming examinations for Rent Board senior staff positions.

XI. Calendar Items

September 24, 1985

- 4 appeal considerations
- 1 appeal hearing
- Old Business
  - Rules and Regulations
  - Jack Klein case/3848 Sacramento St.
  - Increasing departmental revenues
  - 878 York St.
  - MBO Report

October 1, 1985

- 2 appeal considerations





XII. Remarks from the Public

- A. Rita Patton expressed her concern at the possible effects of raising the filing fee for tenant's petitions.
- B. Matthew Marteneji, attorney for the landlord in the case at 111 Yale Street, attempted to discuss this case with the Board. As the decision in this case is still pending, the Board president informed counsel that any such remarks were inappropriate.

XIII. Adjournment

President Chinchilla adjourned the meeting at 8:04 p.m.

9/17/85:ap



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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
September 24, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

A.	1355 Bay St.	[G32-26(A)]
B.	37 States St.	[G32-27(A)]
C.	2205 Pine St.	[G32-28(A)]
D.	34 Sonoma Alley	[G32-29(A)]

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- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions

None

## VIII. Old Business

Rules Change  
3848 Sacramento St. - Jack Klein  
Increasing Revenues  
878 York St. [F112-1(E) and F24-27(P) originally heard 8/6/85]  
MBO Report

## IX. Appeal Hearing

- 1. 1843- 39th Ave. [G32-18(A)] (First considered Sept. 3, 1985)

- X. New Business
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

9/17/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, September 24, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Alviar, Chan, Chinchilla,  
Marshall, Payne

Staff Present: Golub, Hernandez, Wicks

The Commissioners appeared on the record late as follows:  
Commissioner Moy at 5:36 p.m.; Commissioner Curran at 5:37  
p.m.; Commissioner Jackson at 5:38 p.m.; Commissioner Carrico  
at 5:43 p.m.; and Commissioner Waller at 5:59 p.m.

The Commissioners went off the record as follows:

Commissioner Chan at 6:09 p.m.; Commissioner Payne at 6:50  
p.m.; Commissioner Alviar at 7:28 p.m.; Commissioner Waller  
at 7:32 p.m.; Commissioner Moy at 8:05 p.m.; and Commissioner  
Curran at 8:11 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 17,  
1985, with the following corrections:

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Page 1, III, Executive Session: The third  
motion should read: "To set aside the  
Board decision of April 23, 1985 on 3415-  
22nd Street and remand this case to a new  
Hearing Officer for a new hearing."  
(Marshall/Alviar: 4-0).

Page 2, C, 415 Winston Dr., #304 should  
read: "One tenant filed an appeal on a  
decision which certified capital  
improvements to the Stonestown apartment  
complex. The tenant claimed bias on the  
part of the Hearing Officer."

Page 2, VI, Eviction Hearing:  
Background: "...the notice was  
defective..."

Page 3, Hearing before Commissioners:  
"...was due to marital difficulties and,  
as ..." (Alviar/Marshall: 5-0).



IV. Consideration of Appeals

A. 1355 Bay St. # 1 [G32-26(A)]

Landlord appealed Hearing Officer's decision which determined that tenant's initial rental included a garage space, thereby disallowing the additional \$75 owner requested for garage; and that tenant was entitled to a decrease in service award for lack of heat and hot water. Owner disagreed with these determinations and also protested that the Hearing Officer considered a letter written by the tenants after the closing of the record.

MSC: To remand the case to a new Hearing Officer for a de novo hearing. (Payne/Moy: 5-0).

B. 37 States St. [G32-27(A)]

Tenants appealed the ruling of the Hearing Officer which retained a previous years' \$50 per month decrease in service award and disallowed an annual increase until repairs were performed. Tenants felt they should have received a larger award (an additional \$100 per month) and questioned the arbitrator's determination that the Rent Board could not determine the amount of a garage rent increase.

MSC: To remand the case to a new Hearing Officer and consolidate this case with others at this address currently being scheduled for a hearing. (Marshall/Alviar: 5-0).

C. 2205 Pine St. [G32-28(A)]

Landlord appealed the determination of the Hearing Officer which disallowed a rent increase of 1985 from \$325 to \$525. Owner appealed that the date of the increase was May 1, 1985, not the March 1, 1985 date noted in the decision; and that the tenant was using a portion of the property "not allowed as living area."

MSC: To deny the appeal and make the technical correction of the rent increase effective date. (Payne/Carrico: 5-0).

D. 34 Sonoma Alley [G32-29(A)]

Tenant appealed Hearing Officer's ruling that allowed tenant a decrease in service award for loss of garage space but which did not find evidence of a wrongful eviction from the the residential unit. Tenant maintained that the Hearing Officer incorrectly stated the cost of the garage rental and therefore calculated an award lower than the actual monthly cost; and that the determination on the eviction issue was based on factual errors and unclear statements.





MSC<sup>1</sup>: To excuse Commissioner Carrico from this consideration. (Payne/Alviar: 5-0).

MSC<sup>2</sup>: To uphold the Hearing Officer and deny the appeal. (Payne/Alviar: 5-0).

V. Appeal Hearing

A. 1843- 39th Ave. [G32-18(A) original consideration 9/3/85]

A hearing was scheduled for 6:00 p.m. and began at 6:30 p.m. Appearing were tenant Anne M. Koprowski and her representative Roger L. Meredith, Esq., and landlords Russell F. and Meta Cox.

At issue were several allegedly improper rent increases and an alleged attempted wrongful eviction.

Landlord has appealed Hearing Officer's determination that a \$100 rent increase in 1982 and a \$175 increase in 1985 were null and void as they were over the guideline amounts. Landlord, an out-of-state resident, admitted ignorance of the law but argued that tenant had instigated an agreement for the increases, and that the second increase followed three years without raising the rent.

The tenants took up residency in May 1979 at a rent of \$450.00. In June of 1982 the owners gave notice of a \$100 rent increase. The tenants protested the amount as excessive under the current Rent Board guideline amount but agreed to pay the \$550 if there would be no further rent increase for three years. This amount was paid for the three year period. In April 1985 the owners sent notice of a rent increase to \$725, effective July. The increase notice stated that if the tenant was not agreeable to the increase, the owners would have to either put the property up for sale or move in themselves. The tenant filed with the Rent Board with the result noted above. At the hearing before the Commissioners, the owners stated that they felt tenant should be held to her 1982 agreement; that they never had any intention to evict them; and although they admitted ignorance of the Rent Law, they insisted that they were entitled to market rent on the property. The tenant said that her primary concern was the 1985 rent increase, not the one in 1982.

The Commissioners asked the parties to retire at 6:45 p.m. to attempt to reach a settlement. The parties came back on the record at 6:55 p.m. and stated they had not reached an agreement. The case was closed at 6:56 p.m.



After considering the evidence and testimony, the Commissioners voted as follows:

MSC: In fairness to the parties, to vacate the hearing Officers decision and hold the parties to the 1982 agreement:

1. The base rent is \$550;
2. As the three year lease has expired, the owners may - upon proper notice - give a 4 % increase for the coming year;
3. The \$3,600 rebate in the Hearing Officer's decision is set aside.  
(Marshall/Jackson: 5-0).

The Commissioners cautioned the parties that in the future they will be expected to adhere to the provisions of the Rent Law, and no protestations of ignorance of the law will be accepted.

#### VI. Communications

1. A communication concerning SB 505 was received.
2. Mr. Hernandez discussed a letter concerning MBO goals.
3. A statement for the appeal hearing was received from Mr. and Mrs. Cox.

#### VII. Director's Report

- A. Executive Director Ricardo Hernandez discussed a proposal for increasing filing fees for landlords' petitions, tenant petitions, and appeal petitions, as requested by the Mayor and Board of Supervisors.
- B. Director Hernandez reported that we are scheduling about 200 hearings per month. On the whole, deadlines are being met.
- C. "Express" on Channel 9 at 8:00 p.m. will deal with rent control on Wednesday, September 25, 1985.
- D. Mr. Hernandez noted that Ms. Ernestine Cade had joined the staff as the newest Citizens Complaint Officer.

#### VIII. Old Business

- A. Since the parties for 878 York were unable to reach an agreement as directed by the Commissioners (see the Minutes from August 6, 1985, August 13, 1985, September 3, 1985), the Board voted as follows:



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12/24/85  
question
- MSC<sup>1</sup>: To call for the question. (Alviar/Payne: 4-1; Commissioner Carrico dissenting).
- MSF: To restore the \$60.00 decrease to the base rent. (Payne/Alviar: 2-3; Commissioners Carrico, Chinchilla, and Marshall dissenting).
- MSC<sup>2</sup>: That the rent decrease be set at \$30, to begin as of October 25, 1985 if the owner has not installed a functioning heater by that date. (Marshall/Carrico: 5-0).
- MSC<sup>3</sup>: To find an attempted wrongful eviction. (Marshall/Chinchilla: 3-2; Commissioners Alviar and Payne dissenting).

It was the consensus of the Board to determine what action to take regarding the eviction, at the October 1, 1985 meeting.

- B. The Commissioners reviewed the MBO goals for the coming year.
- C. A letter from the attorney at 3848 Sacramento Street was discussed.
- D. A lengthy discussion was held for possible Rules changes concerning Section 2.13, 4.11, and 4.13, and 6.10. Further discussion will be held on these and other Rules sections at the October 1, 1985 meeting.
- E. Commissioner Carrico suggested that the Board's policies on roommates be incorporated into the Rules and Regulations.

IX. New Business

- A. The Commissioners were encouraged to testify on behalf of the Rent Board at the October 3, 1985 budget hearing.

X. Calendar Items

October 1, 1985

2 appeal considerations  
Old Business - 878 York (eviction recommendation)  
Rules and Regulations changes

October 8, 1985

Chinatown Round Table Hearing  
3 appeal considerations  
Roundtable Discussion

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October 15, 19085

- 2 appeal considerations

XI. Adjournment

President Chinchilla adjourned the meeting at 8:30 p.m.







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10/1/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
October 1, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
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AGENDA

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- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 295 Guerrero [G32-30(A)]
- B. 41 Haight St. [G32-31(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- None
- VIII. Old Business
- 878 York St. - eviction recommendation
- Rules and Regulations changes
- IX. New Business
- X. Appeal Hearing
- None
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

9/26/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, October 1, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Payne, Waller  
Commissioners not Present: Jackson, Moy  
Staff Present: Hernandez, Wolf

Commissioner Carrico and Marshall appeared on the record at 5:35 p.m.; Commissioner Chan appeared at 5:39 and went off the record at 7:20 p.m.; Commissioner Curran appeared on the record at 5:41 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 24, 1985, with the following corrections: Page 5, E, should read "Commissioner Carrico suggested that the Board's policies on roommates be incorporated into the Rules and Regulations." (Alviar/Waller: 4-0).

IV. Consideration of Appeals

A. 295 Guerrero St. [G32-30(A)]

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OCT 8 1985  
TENANT was awarded rent reductions based on decreased services due to: broken mailboxes; lack of security; dirty hallways and torn carpet; a leaky sink; faulty windows; garage ceiling leaks; lack of hot water and heat. In his appeal, landlord denied the veracity of tenant's complaints.

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MSC: To remand this case to the same Hearing Officer for a compliance hearing on the issues of heat and hot water only. (Alviar/Payne: 5-0).

B. 41 Haight St. [G32-31(A)]

Hearing Officer granted tenant a continuation of an existing rent reduction due to roof and ceiling leaks and a non-working fireplace. In his appeal, landlord maintained that the repairs had been made and that the fireplace had always worked.



MSC: To deny this appeal. (Marshall/Chinchilla: 4-1; Payne dissenting).

V. Communications

The Board received the following communications:

- A. Announcement regarding the October 8th Board meeting in Chinatown.
- B. Decision regarding the case at 111 Yale Street, which was approved and signed by the Board President after one minor change was made.
- C. Letter from the Executive Director to Supervisor Renne regarding options for increasing revenues.
- D. Office workload statistics for the month of September.
- E. Job description for a position currently available at the San Francisco Housing Authority.
- F. A Notice of Rent Increase issued by Shamrock Realty attempting to automatically pass through increased insurance costs.
- G. Notices of hearing for the properties at 145 Laurel and 246 McAllister Streets.
- H. Letter from the tenant regarding the appeal consideration at 295 Guerrero Street.

VI. Director's Report

- A. Executive Director Hernandez informed the Board he will be meeting with the Chinese Realty Association on October 25, 1985.
- B. Director Hernandez reported on the upcoming budget considerations before the Finance Committee and encouraged the Board's participation on October 3, 1985.

VII. Executive Session

The Board discussed the eviction case at 878 York Street, per Government Code Section 459.56.9, and made the following motion.

MSC: To refer this case to the District Attorney for possible criminal prosecution.  
(Marshall/Chinchilla: 4-1; Payne dissenting)



VIII. Old Business

- A. The Board discussed the eviction case at 233 Arkansas Street which was decided on September 17, 1985.
- B. MBO goals were briefly discussed.
- C. The Board was updated on the status of the referral of Henry Prien to the District and City Attorney's Offices.
- D. A discussion was held regarding possible changes to the Rules and Regulations. Further discussion will be held on October 15, 1985.

IX. Calendar Items

October 8, 1985

Chinatown Community Round Table  
3 appeal considerations

October 15, 1985

3 appeal considerations  
Old Business: Rules and Regulations changes

October 22, 1985

1 appeal consideration

X. Adjournment

President Chinchilla adjourned the meeting at 8:00 p.m.

10/2/85:ap





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10/2/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
October 8, 1985\*\*\*\*\*  
Commodore Stockton School, 950 Clay Street  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 572- 29th St., #1 [G32-32(A)]
- B. 685 Geary Blvd. [G32-33(A)]
- C. 3734 Broderick St. [G32-34(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- None
- VIII. Old Business
- None
- IX. Appeal Hearing
- None
- X. Calendar Items
- Rules and Regulations
- XI. Remarks from the Public
- XII. Adjournment

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10/2/85:ap





NOTICE  
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SEP 27 1985

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RENT BOARD MEETING  
\*\*\*\*\*

October 8, 1985

\*\*\*\*\*

THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION

BOARD WILL CONDUCT A MEETING ON:

Date: Tuesday, October 8, 1985  
Time: 5:30 p.m.  
At: Commodore Stockton School  
950 Clay St., San Francisco

\*\*\*\*\*

謹定于

一九八五年十月八日(星期二)

下午五時半在企李街950号

全瑪多小学举行租務会议

欢迎各界人士参加。

三九市租金管制局敬約





September 24, 1985

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Supervisor Louise Renne  
Room 235  
City Hall  
San Francisco, CA 94102

SEP 27 1985

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Re: Rent Stabilization Board Budget

Dear Supervisor Renne:

I am writing to express my concerns about the effect of possible permanent funding cuts on the Rent Stabilization Board. There are, I believe, certain distinctive features of the Rent Board that make reductions in its budget uniquely detrimental.

First, the Rent Board is a quasi-judicial entity. The California Supreme Court has repeatedly made it clear that the constitutionality of a rent stabilization ordinance depends on the ability of the administering agency to process petitions, hearings, and appeals in a timely fashion. The Rent Board already operates perilously close to the edge of the mandatory time periods prescribed in the Rent Ordinance for processing petitions, holding hearings, and issuing decisions. There are already times when we are unable to meet our deadlines due only to the fact that we have insufficient staff and hearing space to handle the ever increasing workload. Cuts in our budget will exacerbate this situation and a due process legal challenge will be virtually guaranteed. If due process is not provided for those parties who bring matters before the Rent Board, we risk losing the protection afforded by the Rent Ordinance to the many thousands of people who, though they may never have direct contact with the Board, nevertheless rely on its protections.

Second, the workload handled by the small Rent Board staff (15 people) has continued to increase dramatically by any standard. Here are some examples of the numbers of cases handled by the Board over the years it has been in existence:

	FY 79-80	80-81	81-82	83-84	84-85
number of units petitioned:	2982	4230	4831	6299	6361
eviction reports processed:		513	739	727	949



Supervisor Louise Renne  
September 24, 1985  
Page 2

In addition, a graph is attached to this letter indicating the number of contacts with the public made by our staff over the past three years. The number of such public contacts ranged from 2,000 to 4,000 per month during 1982 and 1983, increasing to 4,000 to 7,000 per month during 1984 and 1985.

We also would like you to note that in 1983 the task of certifying landlord's capital improvements was transferred from the Real Estate Department to the Rent Board with no corresponding shift of revenue.

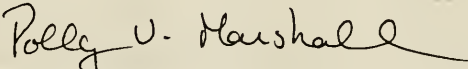
Finally, we wish to emphasize that the Rent Board complied in good faith with earlier requests to keep our budget tightly in rein. Subtracting \$34,000 for salary standardization and \$6960 for mandatory fringe benefit increases, our 1985-86 budget is actually \$20,000 less than our 1984-85 budget. We don't feel it is fair to implement across-the-board budget cuts that fail to take into account the fact that some departments have already, in the spirit of cooperation, done everything possible to voluntarily cut costs.

Attached to this letter is a copy of the Executive Director's report to the Controller regarding the cuts necessary to achieve a 5% appropriation reserve for the Rent Board. To anyone who is familiar with current Rent Board operations, the list is very disturbing. It includes elimination of a telephone line, cut back in computerization, and elimination of Spanish and Chinese fact sheets. For a department that plays a vital role in mitigating our city's housing problems, and which is already overwhelmed with work, the list is not only painful, it is counter-productive.

Please consider devising a budget plan that will not reduce the Rent Board's funding. We are a small, financially-strapped department with a very big job - one that is continually increasing - and we simply cannot operate effectively with fewer resources.

Thank you for giving our situation your due consideration.

Sincerely,

  
Polly V. Marshall  
Commissioner







TO: John C. Farrell, Controller  
Through: Penny Tsai, Fund Accountant

FROM: Ricardo Hernandez  
Executive Director, Rent Board

RE: Setting Up Departmental Appropriation Reserves

DATE: July 31, 1985

After much soul searching and agonizing over pennies, my Board has authorized me to refer to you the following reserves pending the Board of Supervisor's Finance Committee meeting:

<u>Amount</u>	<u>Sub</u>	<u>Object #</u>
\$ 3,000.00	100	Professional Service
443.00	105	DP/WP Professional Service Contract
11,780.00	106	DP/WP Equipment Maintenance
1,000.00	109	Other Contracts
563.00	130	Materials and Supplies
1,374.00	340	Controller - Data Pro.
288.90	350	Reproduction
<u>\$18,448.90</u>		

NOTE: If I have miscalculated any amount, please take the amount from 130 - Supplies (if more than \$100.00, take the rest from 340 Controller - Date Pro.)

The impact of this cut will be as follows:

- No law clerks next summer, no training for Hearing Officers this year, no reissue of Hearing Officer material.
- Cut back on service calls from WANG.
- Eliminate the Director/Deputy Director terminal, eliminate one printer and cut out any new modifications from WANG this year.
- Eliminate one telephone line and two telephone instruments.
- Cut back at envelopes, tape recorders and tapes for hearings, general office supplies.
- Eliminate ISD training for all professional staff and any new classes for present clerical staff.
- Eliminate reproduction of RAP Ordinance, Security Deposit Ordinance, and Spanish and Chinese fact sheets.

0265A



LANDLORDS AND TENANTS  
COUNSELED PER MONTH  
1982 - 1985

7000  
6000  
5000  
4000  
3000  
2000  
1000

4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7

1982 1983 1984 1985



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MSF<sup>2</sup>: To deny this appeal. (Marshall/Alviar: 2-3; Carrico, Chinchilla, Payne dissenting).

MSC: To remand this case to the same Hearing Officer to reconsider the award for key service in light of the actual damage suffered by each tenant and the length of the decrease in services award for lack of pest control services. (Marshall/Alviar: 3-2; Carrico, Payne dissenting).

C. 3734 Broderick St. [G32-34(A)]

Tenant appealed Hearing Officer's determination that this building is an owner-occupied four unit building, exempt from the Rent Ordinance. There is an illegal fifth unit in the building, and the issue is whether or not this qualifies as a "rental unit" as defined in the Rent Ordinance.

MSC: To accept this case for a *de novo* hearing at the Board level. (Marshall/Alviar: 5-0).

V. Round Table Discussion

A lengthy discussion was held between the Commissioners and members of the Chinatown Community. Many questions were passed and policy issues pursued, including: illegal units; overcrowding; possible wrongful evictions for owner or relative occupancy; discrimination against children; rent increases; habitability problems; etc.

VI. Communications

The Board members received the following communications:

- A. A letter from attorney Robert De Vries asking that the Board write to Honorable Lucy McCabe to request certification of a case regarding community apartments.
- B. A letter from the 917 Folsom Street Tenants' Association requesting that the Board intervene in an ongoing pattern of harassment and abuse by their landlord, and his repeated refusals to abide by the decision of a Hearing Officer.

MSC: To refer this matter to the District Attorney for possible criminal prosecution. (Payne/Marshall: 4-0).

- C. A chart analyzing the agency's workflow from the Executive Director.





VII. Calendar Items

October 15, 1985

3 appeal considerations

Old Business: Rules changes/Fair Rate of Return:  
City Attorney Rick Judd

October 22, 1985

1 appeal consideration

October 20, 1985

2 appeal considerations

VIII. Adjournment

President Chinchilla adjourned the meeting at 8:45 p.m.

10/10/85:ap

0373A





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

October 15, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

DOCUMENTS DEPT.

II Roll Call

OCT 15 1985

III. Approval of the Minutes

PUBLIC LIBRARY

IV. Consideration of Appeals

- A. 350 Gough St. [G32-35(A)]
- B. 742 Divisadero ST. #4 [G32-36(A)]
- C. 1425 Taylor St. [G32-37(A) G34-17(A)- 25 units]

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Evictions

None

VIII. Old Business

- A. Fair Rate of Return (Regulations changes)
- B. City Attorney Rick Judd

IX. New Business

X. Appeal Hearing

None

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment

10/10/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, October 15, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*  
DOCUMENTS DEPT.

OCT 28 1985

I. Call to Order

President Chinchilla called the meeting to order at 5:15 p.m.

II. Roll Call

Commissioners Present: Alviar, Chinchilla, Waller  
Commissioners not Present: Marshall, Moy  
Staff Present: Francis, Wicks, Wolf

Commissioners appearing on the record late: Jackson and Payne  
at 5:33 p.m.; Carrico at 5:35 p.m.; Chan at 5:38 p.m.; Curran at  
5:44 p.m.

Commissioners going off the record: Chan at 7:10 p.m.; Jackson  
at 7:30 p.m.; Curran 7:44 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 8, 1985 as  
written. (Alviar/Waller: 3-0).

IV. Consideration of Appeals

A. 350 Gough St. [G32-35(A)]

Landlord appealed Hearing Officer's decision that attributed  
the costs of capital improvements to both the upper  
residential floors and the lower commercial floor. Landlord  
protested that the majority of the improvements benefited  
only the residential units and should not have been assessed  
to the commercial space.

MSC: To remand to the same Hearing Officer on the  
limited issue of proper allocation of the  
costs between the residential and commercial  
units, based on benefit received.  
(Carrico/Payne: 5-0).

B. 742 Divisadero #4 [G32-36(A)]

Tenant appealed Hearing Officer's ruling that ordered tenant  
to pay outstanding rent amounts which tenant had not paid  
because of repair needs. Tenant had won a partial reduction  
of the annual increase in 1982, with the rent to be



reinstated in full when repairs were made. Tenant had refused to pay the 1983 and 1984 annual increases. Both parties agreed at the hearing that nearly all repairs had been made. Hearing Officer found that the remaining repairs were not significant enough to warrant a continuing reduction in rent. On appeal tenant stated that most of the owner's statements were not true. In rebuttal, landlord protested that there had been no factual disagreement between the parties during the hearing.

MSC: To uphold the Hearing Officer and deny the appeal. (Payne/Carrico: 5-0).

C. 1425 Taylor St. [G32-37(A) to G34-17(A)]

Twenty-five tenants appealed Hearing Officer's allowance of \$391,079.26 plus 10% interest for a thirty-one unit building. Tenants protested that much of the work consisted of repairs and deferred maintenance dating back to 1959 when owners purchased the structure; that tenants were not given an opportunity to inspect owner's maintenance ledgers; that some work was necessary because of prior defective work; that interest should begin accruing only when the first payments were made; and that Hearing Officer did not take sufficient notice of petitions of hardship offered by several tenants who are elderly and on fixed incomes. Landlord attempted to refute tenants' appeal statements, and Hearing Officer countered each allegation in her response to the appeal.

MSC: To hear the case before the Commissioners on the limited issue of tenant hardship. Pursuant to instructions to be sent to the parties, all tenants claiming hardship shall submit a completed income and assets form in advance of the hearing, supported by detailed documentary evidence. (Alviar/Waller: 5-0).

V. Old Business

- A. Deputy City Attorney Rich Judd spoke to the Commissioners on various aspects of the fair rate of return concept.
- B. The Commissioners discussed the draft of proposed rule 6.12, the fair rate of return rule. Further discussion will follow.
- C. Commissioner Carrico indicated an interest in codifying the following in the Rules: "floating anniversary date"; evictions and rent increases for resident managers; a "just cause" provision for owners going out of business, in consideration of AB505.





VI. Communications

- A. The owner of 742 Divisadero wrote the Commissioners concerning the appeal at that address.
- B. Hearing Officer Harriet Sheppard submitted her response in support of the decision on 1425 Taylor St.
- C. Attorney Robert Sheppard requested that the Commissioners grant a postponement of the appeal hearing for 3734 Broderick, scheduled for October 29, 1985. The Commissioners voted on the issue as follows:

MSC: To allow a postponement to November 19, 1985. (Alviar/Waller: 5-0)

- D. Attorney Joan Mann Thomas wrote the Board concerning the case at 3848 Sacramento. The Commissioners will send a written acknowledgment of receipt of her letter.
- E. A memo was received from the Mayor with an outline of her State of the City address to summarize the text of the address also given the Board.
- F. The Commissioners were again given a letter submitted earlier from owner Morton Zweig. The Board will respond in writing.
- G. Attorney Robert DeVries wrote to request that the Commissioners grant his request that they encourage the Appellate Department of the Court of Appeals to grant certification of an appeal on the issue of community apartments. It was stressed that the Board would not be taking a stand on the merits of the case but rather asking for judicial guidance on the issue. After considerable discussion, the Commissioners voted as follows:

MSF: To take no action on this matter since it is not within the purview of the Board.

(Carrico/Payne: 2-3; Commissioners Alviar, Chinchilla, and Waller dissenting.)

MSC: That the Board send a letter to the Court of Appeals stating that a definitive ruling on the issue of community apartments would be helpful.

(Chinchilla/Alviar: 3-2; Commissioners Carrico and Payne dissenting)



VII. Director's Report

1. Deputy Director Susan Francis briefly described new MBO goals proposed by Executive Director Ricardo Hernandez concerning:
  - a 10% decrease in appeals based on failure to receive notice of hearing.;
  - 48 outreach efforts annually;
  - to hear 80% of all capital improvement petitions within 45 days of filing.
2. Ms. Francis discussed the Mayor's continuing concern over receiving conflict of interest statements each time a member of the Board appears before another commission.
3. A Hearing Officer brown bag luncheon will be held at noon October 18, 1985 at the Rent Board office. The Commissioners were invited to participate.
4. Ms. Francis reported on the status of the Hozz case on remand.

VIII. Calendar Items

October 22, 1985

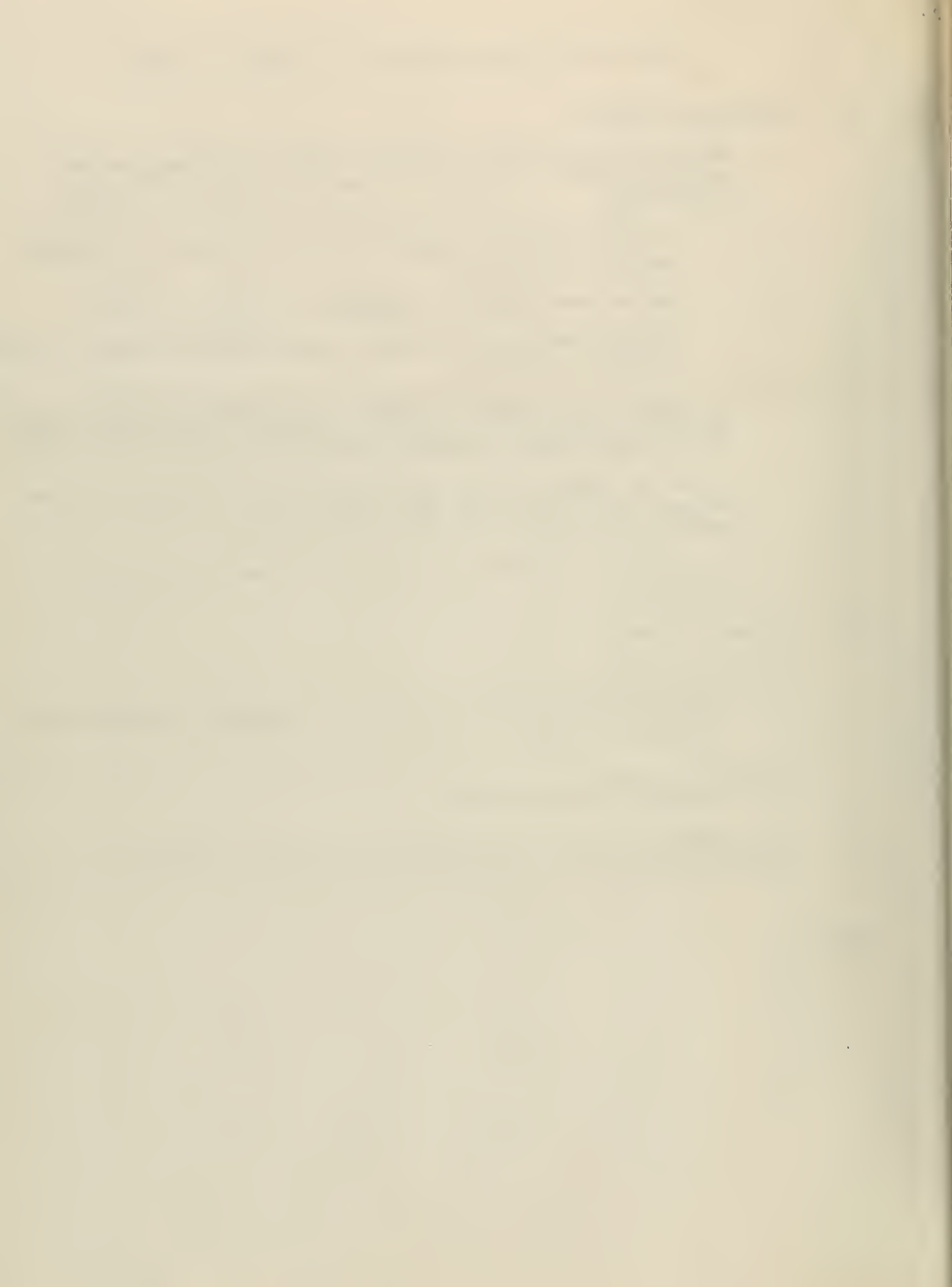
- 1 appeal consideration
- 1 appeal hearing: 572 - 29th St. (Original consideration October 8, 1985)

October 29, 1985

- 5 appeal considerations

IV. Adjournment

President Chinchilla adjourned the meeting at 7:58 p.m.





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10/22/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
October 22, 1985 at 5:30

\*\*\*\*\*  
State Building, 350 McAllister St. 1158  
\*\*\*\*\*

AGENDA

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DOCUMENTS DEPT.

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Consideration of Appeals

A. 205 - 2nd Ave. #4 [G34-20(A)]

B.

C.

D.

V. Communications

VI. Director's Report

VII. Consideration of Allegations of Wrongful Eviction

A. Report from Staff

1.

2.

B. Hearings

1.

2.

VIII. Old Business - Rules Changes

IX. New Business

X. Appeal Hearing

5:45 1. 572 - 29th St. [G32-32(A), F50-27(P) - orig.  
consid. October 8, 1985.]

2.

XI. Calendar Items

XII. Remarks from the Public

XIII. Adjournment

OCT 25 1985

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, October 22, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Alviar, Chan, Chinchilla,  
Marshall, Payne  
Commissioners not Present: Jackson, Moy, Waller  
Staff Present: Hernandez, Wolf

Commissioner Curran arrived on the record at 5:39 p.m.;  
Commissioner Carrico arrived on the record at 5:58 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 15, 1985,  
with the following corrections: Roll Call,  
item 4 should read: "Commissioners arrived  
on the record at..."; and page 3, item G,  
line 2, should read: "Attorney De Vries  
stressed..." (Alviar/Payne: 4-0).

DOCUMENTS DEPT.

IV. Consideration of Appeals

OCT 28 1985

A. 205 Second Ave.

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PUBLIC LIBRARY

Landlord petitioned for and was granted rent increases based on increased operating expenses and certain capital improvements. Hearing Officer disallowed management fees for work the landlord does himself, but for which he receives no compensation. In his appeal, landlord maintained that he should be allowed 6 percent of the gross income on the building for management services, and that the lowering of the 7 percent to 4 percent was forcing him into bankruptcy due to a sales agreement with the previous owner.

MSC: To deny this appeal.  
(Marshall/Chinchilla: 4-0).

V. Appeal Hearing

A. 572- 29th St. [G32-32(A)-original consideration 10/8/85]

An appeal hearing was noticed for 5:45 p.m. and commenced at 6:11 p.m. Landlord appeared, representing himself, and tenant appeared with two representatives. In their initial statement, tenant's representatives proposed a





settlement offer to landlord. It was the consensus of the Board to recess the hearing to allow the parties to engage in good faith negotiations, and Commissioner Curran accompanied the parties to ensure the fairness of the process. At 6:20 p.m. it was reported that good progress was being made, but some additional documentation was needed. This case will be continued for one week in order for the parties to arrive at a settlement.

VI. Communications

The Board received several communications, including:

- A. Appeal decision for the Board President's signature regarding the properties at:
  - 1. 233 Arkansas Street: this decision was approved with some minor corrections.
  - 2. 5513 Mission Street: consideration of this decision will be put over to next week's Board meeting.
  - 3. 1843- 39th Avenue: this decision was approved with one correction.
- B. A letter from the Board President to Judge Lucy McCabe regarding community apartments was discussed and corrections were made.
- C. Two letters regarding the proper procedures for passing an increased insurance costs; staff will draft a reply.
- D. A postponement request from landlord's attorney regarding the appeal hearing for 3734 Broderick Street, which was granted by the Board.
- E. A response letter from the Board President to the landlord's attorney regarding the on-going case at 3848 Sacramento Street.
- F. A copy of a letter from the City Attorney to the Director of the Department of Public Works regarding what constitutes the creation of a community apartment in violation of the state Subdivision Map Act.
- G. A copy of SB 505 and a letter from City Attorney Kathryn Pennypacker regarding this legislation's possible impacts on the Rent Ordinance. This issue will be discussed at next week's Board meeting.
- H. Copy of a memorandum sent to the parties involved in the appeal hearing for 1425 Taylor Street which outlines the procedures that will be followed for tenants to document claims of hardship.



- I. Letter from a landlord's representative regarding procedures for passing on capital improvement costs. Staff will draft a response.
- J. Memorandum from the Mayor requesting a freeze on departmental requests for internal salary adjustments.
- K. An October 17, 1985 article from the San Francisco Chronicle regarding city commissioners and conflicts of interest.

VII. Director's Report

- A. The Executive Director reported on a mandatory training session that was held for all Hearing Officers on October 18, 1985.
- B. The Executive Director discussed the status of the computer project and announced that an Index of current decisions will be available in the near future.

VIII. Old Business

- A. President Chinchilla distributed a proposed language for rules section 6.13 regarding rent increases for newborns. The Commissioners discussed the desirability of allocating operating expense increases on a per room basis. Commissioner Carrico is working on revised language regarding "fair rate of return" and a rule that would codify the De Wolf appeal decision regarding roommates.

IX. Calendar Items

October 29, 1985

4 appeal considerations  
Old Business  
572 29th St.  
5513 Mission St.

New Business  
SB 505

November 5, 1985

4 appeal considerations

X. Adjournment

President Chinchilla adjourned the meeting at 7:25 p.m.





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10/29/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

October 29, 1985

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

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DOCUMENTS DEPT.

OCT 28 1985

SAN FRANCISCO  
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- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 1430 Larkin St. #15 [G34-21(A)-first considered 6/11/85  
F30-4(A)]
  - B. 2710 Market St. #5 [G34-22(A)]
  - C. 520 Jones St. #604 [G34-23(A)]
  - D. 138 Hyde St. #2 [G34-25(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Eviction
- VIII. Old Business
  - A. 572 29th St. [G32-32(A) - orig. consideration 10/8/85]
  - B. 5513 Mission St. [G32-9(A) - heard 8/27/85]
- IX. New Business
  - SB 505 discussion
- X. Appeal Hearing
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

10/24/85:ap

0391A



## Residential Rent Stabilization and Arbitration Board



## I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

## II. Roll Call

Commissioners Present: Alviar, Chinchilla, Marshall,  
Payne  
Commissioners not Present: Curran, Jackson  
Staff Present: Hernandez, Ruiz, Wicks

Commissioner Carrico arrived on the record at 5:44 p.m.;  
Commissioner Chan arrived on the record at 7:20 p.m.

### III. Approval of the Minutes

MSC: To approve the Minutes of October 22, 1985.  
(Alviar/Marshall: 4-0).

#### IV. Consideration of Appeals

A. 1430 Larkin St., #15 [G34-21(A)]

The tenant filed a petition for decrease in services, a failure to maintain an repair, and an illegal rent increase (F32-24(P), 4/11/85). On May 10, 1985 (F30-4(A)), landlord appealed Hearing Officer's determination in which tenant-petitioner was awarded a temporary rent reduction and the rent increase was considered null and void.

The Board considered landlord's appeal on June 11, 1985, and remanded it to a new Hearing Officer. This case was heard on remand on July 22, 1985.

On October 10, 1985, tenant appealed Hearing Officer's determination of September 30, 1985, awarding the landlord back rent of \$164.88 as a result of decision on remand.

MSC: To accept the appeal on the basis of hardship  
on the record and to spread the payment of  
back rent over a period of 8 months.  
(Alviar/Payne: 4-0).

B. 2710 Market St., #5 [G34-22(A)]

Tenant filed a petition for substantial decrease in services without the corresponding decrease in rent and an impermissible rent increase. On September 10, 1985, the

DOCUMENTS DEPT.

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tenant requested a postponement and it was granted. However, on September 13, 1985, a hearing was held at the previously appointed time. Tenant appealed Hearing Officer's dismissal of his petition with prejudice.

MSC: To remand to a new Hearing Officer.  
(Marshall/Chinchilla: 5-0).

C. 520 Jones St., #604 [G34-23(A)]

Tenant petitioned for substantial decrease in service without the corresponding decrease in rent (F28-8(P), 2/9/85). Tenant appealed Hearing Officer's determination that the tenant had failed to show a substantial decrease among all his alleged decreases in housing services (F30-22(A)). The Board remanded this case to the same Hearing Officer to make findings of fact.

A hearing was held on August 9, 1985. Tenant appealed Hearing Officer's determination that the petitioner failed to meet his burden of proof and the denial of a reduction in rent. Tenant alleges that the Hearing Officer's decision is contrary to legal requirements for sanitation in multi-unit housing.

MSC: To deny the appeal. (Alviar/Payne: 3-2).

D. 138 Hyde St., #2 [G34-25(A)]

Tenants petitioned for a substantial decrease in service without the corresponding decrease in the rent. Landlord appealed Hearing Officer's determination awarding the tenants a reduction in rent to compensate them for utility services that had been eliminated by the landlord.

MSC: To deny the appeal. (Marshall/Chinchilla: 3-2).

V. Communications

- A. Letter from the Board to Mr. Michael R. Farrah in response to his letter of October 16, 1985, requesting information regarding agreements for capital improvement pass-through's negotiated outside of the procedures mandated by the Rent Board.
- B. Letter from the Board to Helen Jaffe in response to her letters of October 4 and 16, 1985, regarding Section 6.10 of the Rules and Regulations.
- C. The Director informed the Board that he and Mr. Rod Wong, staff, had attended the Chinese Real Estate Association of America meeting.



VI. Director's Report

- A. The Director extended an invitation to the Commissioners to the farewell party given for Susan Francis, Deputy Director of the Rent Board, to be held at the Director's home on Friday, November 1, 1985.
- B. The Director reported to the Board that in the last month the staff had made six presentations to several groups in the community, which included a presentation to Legal Assistance to the Elderly and to a group of 150 Asians. He said that he would continue to expand the community outreach program.
- C. The Director reported that we had reviewed and had began to put the forms used by the Rent Board into the computer and that the Controller's Office had selected a consultant that will put together the computerizing of the rest of the system.
- D. The test for Deputy Director will be given on the 4th and 6th of November. Fourteen (14) applicants will be taking the test.

VII. Consideration of Allegations of Wrongful Evictions

- 1. 1718 A- 15th St. [F124-13(E) and G134-16(E)]

Tenant had made complaints about the habitability of his unit since August 1983, including orally, in writing, and to the Building Inspectors. At various times tenant withheld rent for these problems and was awarded rent reductions at two Rent Board hearings, last award in June 1985. Owner filed two Unlawful Detainers and tenant was given judgment to retain possession in both cases (April 1985 and July 1985). On August 5, 1985, owner gave tenant a notice to vacate for owner occupancy. Hearing Officer found the attempted eviction retaliatory for tenant's exercise of rights under the law; and disbelieved the the owner wished to leave a comfortable five-room flat for a dilapidated two-room unit which she had consistently neglected to repair.

Recommendation: Hearing Officer and staff recommended a cautionary letter to owner.

- 2. 853 Fell St. [G132-13(E)]

Original tenant occupied the four-bedroom unit in 1979 with a rental agreement providing for three named tenants. Two other agreements were signed, apparently to memorialize, each time, the replacement of the other two tenants. Since the date of the last written agreement (1979), the original



tenant has had several different roommates. Tenant maintained that she always requested and obtained oral permission for the replacement of roommates with no new written agreement ever required. In early 1985 a major dispute arose in one of the other units and owner decided to have all current tenants listed on written agreements. Tenants said they refused to sign such a document because it included a large rent increase. A three-day notice was issued because parties not on the 1979 rental agreement were co-tenants in the unit. Owner had denied that he knew the other people he talked to in the unit were roommates and said he thought the original tenant was residing there alone. He did not object to these new tenants but felt he should get market rent for the unit.

Hearing Officer concluded that it was unreasonable for owner to assume tenant resided in a four-bedroom unit alone; that the number of residents never exceeded the number stated on the first rental agreement; that owner had tacitly approved the new tenants by offering to put them on the new agreement; and that no vacancy decontrol existed since the original tenant had maintained an uninterrupted tenancy. Hearing Officer informed owner of his rights to a future rent increase when the original tenant vacates.

Recommendation: Hearing Officer and staff recommended an explanatory letter to the parties concerning the applicable laws and that no further action be taken unless the owner proceeds with the eviction.

3. 19 Garces Dr., #19 [G138-27(E)]

Tenant had resided in this Parkmerced apartment since June 1981, when she became a roommate of an existing tenant, after informing management of the new resident. Several months later the initial tenant vacated. For over three years the petitioning tenant signed rent checks in her own name and had receipts and cancelled checks as proof. However, each year management insisted that the prior tenant -whom they knew had vacated- return to sign the lease along with the remaining tenant. Each year tenant unsuccessfully requested that the agreement be in her name only. In response to such request for 1985, management informed current tenant that if the [prior] original tenant gave written notice of intent to vacate, they would allow current tenant to apply as new tenant and offer her the unit at a \$185 monthly rent increase. When these documents were not executed, a second offer was made by management with a seven-day notice to vacate given in the alternative (presumably for failure to execute a new lease).

Tenant filed with the Rent Board for both alleged wrongful eviction and improper rent increase. Management filed an



Unlawful Detainer. There was no response from management to either the standard eviction documents or a specific letter sent by the Eviction Unit Supervisor.

Recommendation: Tenant had obtained legal counsel. The Eviction Unit requests that staff begin to keep a file on management's continuing practices of in eviction cases, for possible referral to the District Attorney and/or City Attorney.

4. 3475- 16th St., #4 [G136-33(E)]

Tenant had resided in his small unit since February 1982. His current rent is \$248.85. Beginning in October 1983 tenant requested repairs of plumbing and heating problems; he had asked for remedy of other repair and pest problems since March 1985. He testified that he eventually called the Building Inspector since no repairs were made. (It appears in the past, tenant received several eviction notices on various issues.)

On June 19, 1985, tenant filed a decrease in services petition with the Rent Board for loss of services in connection with the repair needs. On July 29, 1985, an eviction notice was prepared (and served August 4) for owner-occupancy of the heir to the estate, owner's nephew. Tenant filed an unlawful eviction petition September 4, 1985; landlord did not respond to the September 13, 1985 documents sent from the Rent Board, including a specific proof request that probate had closed or other documentation to prove the heir was now the legal owner. On September 24, 1985 tenant was given a letter asking that he allow his unit to be inspected by a potential new buyer who had made an offer on the property.

Tenant was awarded a decrease in services reduction. Also Hearing Officer found a wrongful eviction on these counts:

1. Retaliation for tenant's asking for repairs and requesting the Building Inspector survey the property;
2. Stated potential owner-occupation was not a bona fide owner since probate had not closed and the legal owner had not yet been determined;
3. Landlord had not acted in good faith since less than a month after a notice was given for owner-occupancy there was an offer to buy the property, indicating that the heir/"owner" most likely did not intend to occupy the premises for twelve continuous months;
4. There was evidence to suggest the other, more habitable vacant units had been available for the heir.





Recommendation: Hearing Officer recommended further Board action. Staff recommends a cautionary, educational letter be sent to the out-of-area heir and estate administration.

MSC: To accept the recommendations of staff on cases Nos. 1, 2, and 4; staff will investigate the status of case No. 3, and the earlier case with this owner at 528 Vidal Drive, before deciding what action to take concerning this landlord.  
(Payne/Alviar: 5-0).

#### VIII. Old Business

A. 572- 29th St. [G32-32(A) -Original consideration 10/8/85]

Tenant petitioned regarding a series of rent increases in excess of the guidelines and received an award for back sums overpaid. In his appeal, landlord argued that the determination was unfair as one increase was just slightly over the guideline amount; and, as he asserted that the excesses were due to PG&E, he felt that he should be able to "bank" the PG&E pass-through amounts from those years.

The Board accepted this appeal for a de novo hearing at the Board level on August 8, 1985.

On October 15, 1985, an appeal hearing was noticed. Tenant's representatives proposed a settlement offer to the landlord. The case was continued for one week in order to give the parties an opportunity to arrive at a settlement.

MSC: To vacate the Hearing Officer's decision, to close the hearing and to accept and approve the settlement agreement.  
(Marshall/Carrico: 5-0).

B. 5513 Mission St. [G32-9(A)]

Tenant prevailed on a petition regarding excessive rent increases and decreased services due to lack of heat and plumbing problems. An eviction notice had been issued to tenant due to additional occupants in the unit. Tenant agreed to vacate by August 1st. Landlady claimed hardship in her appeal.

On August 6, 1985, the Board accepted the appeal de novo. The Board found that no decrease in services and no attempted wrongful eviction existed in this case.

In the process of signing the decision, the Board realized that the issue of the null and void rent increases was not



dealt with. On October 22, 1985, the Board decided to put over consideration of this decision to October 29, 1985.

The Board decided to postpone voting on this issue to November 12, 1985, for the purpose of giving Commissioner Carrico the opportunity to review the documents in the case and to listen to the tape of the hearing.

- C. The Board was given the decision on the property located at 878 York St. for the President's signature. The Board requested that the word "attempted" be inserted before the word eviction on line 15, page 4.
- D. The proposed changes to the Rules and Regulations will be discussed at the November 5, 1985 meeting.

IX. New Business

The Director presented the Board with an informal report on SB 505.

X. Appeal Hearing

None

XI. Calendar Items

November 5, 1985

4 appeal considerations  
Old Business  
5513 Mission St. [G32-1(A)]

November 12, 1985

5 appeal considerations  
Old Business  
5513 Mission St. [G32-9(A)]

November 19, 1985

2 appeal considerations  
1 appeal hearing  
3734 Broderick St. [G32-34(A)]

XII. Remarks from the Public

Kathy Baker spoke regarding the case of 520 Jones Street [G34-23(A)] in reference to the use of public toilets in hotels. She stated that as a long-time resident of buildings with public toilets, she could speak on the subject. If the floor has too many occupants, you have to stand in line waiting to get in. It disturbs elderly men, more than the woman, to



share toilet rooms, for they are not bathrooms. The method of harassment is not dealt with by the Rent Board. The downtrodden and the poor cannot fit into it, unless they go to Superior Court.

XIII. Adjournment

President Chinchilla adjourned the meeting at 7:31 p.m.

10/29/85:ap



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,

November 5, 1985

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

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DOCUMENTS DEPT.

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 784-786 Dolores St. [G34-26(A)]
- B. 1900 Vallejo St. [G34-27(A) thru 36(A), G34-39(A)]
- C. 4084- 17th St., #7 [G34-37(A)]
- D. 1600 Clement St., #302 [G34-38(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- VIII. Old Business
- A. 5513 Mission ST. [G32-9(A)]
- B. Proposed changes to Rules and Regulations
- IX. New Business
- X. Appeal Hearing
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, November 5, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

52  
2  
5/85  
I. Call to Order

President Chinchilla called the meeting to order at 5:38 p.m.

II. Roll Call

Commissioners Present: Carrico, Chinchilla, Marshall,  
Payne, Waller  
Commissioners not Present: Curran, Jackson  
Staff Present: Hernandez, Wicks, Wolf

Commissioner Chan appeared on the record at 5:39 p.m.;  
Commissioner Alviar appeared on the record at 5:45 p.m.  
Commissioner Alviar went off the record at 6:45 p.m.;  
Commissioner Chan at 6:56 p.m.; and Commissioner Chinchilla at  
7:39 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 29, 1985  
with the following correction: Page 1, II  
Roll Call: "Commissioners not Present:  
Curran, Jackson, Waller."  
(Carrico/Marshall: 4-0).

IV. Consideration of Appeals

A. 784-786 Dolores [G34-26(A)]

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Landlord appealed Hearing Officer's decision granting  
certain capital improvements and disallowing others.  
Hearing Officer discounted or disallowed some costs because  
the estimator found them to be excessive, because  
uncompensated labor charges were incorrect, and that some  
improvements could have been adequately performed as lesser  
repairs. Owner maintained that even after the estimator  
revised his calculations, they were still incorrect and that  
the Hearing Officer failed to understand the necessary costs  
of the work and made technical errors. Landlord's appeal  
was received two months after mailing of the decision.

MSC: To uphold the Hearing Officer and deny the  
appeal. (Marshall/Chinchilla: 4-1;  
Commissioner Payne dissenting.)



- B. 1900 Vallejo St. [G34-27 through G34-36(A) and G34-39A(A)]

Because some of the appeal materials had been accidentally omitted, it was the consensus of the Commissioners to continue this case to November 12, 1985.

- C. 4084- 17th St., #7 [G34-37(A)]

Tenants appealed Hearing Officer's ruling granting them a decrease in services award of \$32.57 monthly to compensate them for conversion from steam heat provided by the owner to electric heat paid by the tenants. Hearing Officer determined the award by subtracting the average monthly central heating cost from the one bill under the new system submitted by the tenants. Tenants appealed on the basis that the award would not be sufficient to compensate them for bills in the winter months nor were they adequately awarded for loss of heat during the period conversion work was in progress.

MSC: To deny the appeal and uphold the Hearing Officer. (Carrico/Chinchilla: 5-0).

- D. 1600 Clement St. #305 [G34-24(A)]

Three tenants appealed the ruling of Hearing Officer who awarded a 10% rent reduction for a portion of a month when problems with the sewage system resulted in no hot water, heat, or refrigeration for approximately ten days. Tenants maintained on appeal that the award was grossly inadequate and pointed to on-going problems in getting the owners to perform necessary repairs.

MSC: To accept the appeal de novo at the Board level. (Marshall/Alviar: 4-1; Commissioner Chinchilla dissenting).

V. Communications

- A. Further statements on the appeal at 784-786 Dolores were received.
- B. A letter thanking staff member Delene Wolf for her presentation to Self Help for the Elderly was distributed.
- C. The tenants at 2001 California St. wrote Hearing Officer Jean Wilcox to commend her for the way she conducted the hearing at that address.
- D. An earlier memo requesting information on the definition of "improvements" as related to condominiums was again noted. The topic will be discussed under Old Business next week.



- E. A copy of a letter sent to several members of the Board of Supervisors, asking for adjustments in the Rent Ordinance to allow special pass-through of insurance premiums, was distributed.
- F. Appeal Decisions for 1439 Larkin St., #15A and 100 Font onward (Parkmerced) were approved with minor typographical corrections.

VI. Director's Report

Executive Director Ricardo Hernandez reported that Commissioner Stan Moy had tendered his resignation to the Mayor due to increasing commitments.

VII. Consideration of Reports of Alleged Wrongful Eviction

In response to the Commissioners' request, an update was given on the status of the two court cases concerning Parkmerced evictions.

VIII. Old Business

- A. 5513 Mission St. [G32-9(A)]

Pursuant to discussion at the October 22, 1985 Commission meeting, the Board further reviewed the evidence and testimony submitted at the appeal hearing and voted as follows:

MSC: To vacate the Hearing Officer's decision on the issue of null and void rent increases and award the landlord all back rent amounts subtracted pursuant to the Hearing Officer's decision. (Payne/Alviar: 3-2; Commissioners Chinchilla and Marshall dissenting).

- B. Further extensive discussions were held on the drafts of Rules and Regulations changes.

IX. New Business

Executive Director Hernandez informed the Board that in the near future they might receive a letter asking for clarification on jurisdiction of the Rent Ordinance over units involved in the Mayor's homeless program.

X. Calendar Items

November 12, 1985

5 appeal considerations



Old Business

condominium improvements  
Rules and Regulations changes

November 19, 1985

3 appeal considerations

1 appeal hearing: 1600 Clement St. #301, 302, 305

November 26, 1985

2 appeal considerations

NOTE: There will be no Commission meeting December 24, or  
December 31, 1985.

XI. Adjournment

Vice-President Payne adjourned the meeting at 8:10 p.m.

11/7/85:ap

0411A







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
November 12, 1985 15 5:30 p.m.

DOCUMENTS

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State Building, 350 McAllister St. #1158

## AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 4295- 24th St. [G36-1(A) - F44-5(P)]
- B. 4291- 24th St. [G36-2(A) and 805 Douglas G36-4(A)]
- C. 264 Dolores St. [G34-40(A)]
- D. 3638 Lawton St. #6 [G34-4(A)]
- E. 1900 Vallejo St. [G34-27(A) - continued from 11/5/85]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- VIII. Old Business
- Condominium improvements
- Rules and Regulations changes
- IX. New Business
- X. Appeal Hearing
- None
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

11/7/85:ap





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, November 12, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

Vice-President Payne called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Chan, Marshall, Payne, Waller  
Commissioners not Present: Chinchilla, Curran, Moy  
Staff Present: Hernandez, Wolf

Commissioner Jackson appeared on the record at 5:40 p.m.;  
Commissioner Carrico appeared at 5:49 p.m.; and Commissioner  
Alviar appeared at 6:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 5, 1985 as  
written. (Chan/Marshall: 3-0).

IV. Consideration of Appeals

A. 4291 and 4295 24th St.

Landlord was granted an increase in excess of the guidelines  
due to increased operating expenses. Tenants appealed the  
decision of the Hearing Officer on the following grounds:  
that their oral and written contracts with the previous  
owner limited their annual increases to 5 percent and  
therefore no "banking" from past years nor operating expense  
increases in excess of 1 percent should be allowed; that a  
declaration regarding the previous owner's expenses is  
insufficient to meet the landlord's burden of proof; that  
the Rules and Regulations mandate that the landlord use the  
24 month period prior to filing the petition rather than  
calendar years for comparison of expenses; and that the  
"anti-speculation" clause of the Ordinance should disallow a  
portion of the landlord's debt service.

MSC: To consolidate the appeals at 4295- 24th  
Street and 4291 24th Street (Chan/Marshall:  
4-0).

MSF: To accept both of these appeals.  
(Marshall/Chan: 2-2; Carrico, Payne  
dissenting).

MSC: To put over consideration of these appeals  
for one week. (Marshall/Chan: 4-0).

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MSC: To rescind the previous motion putting over consideration of these appeals for one week. (Marshall/Chan: 5-0).

MSC: To accept these appeals for a de novo hearing at the Board level. (Marshall/Chan: 3-2; Carrico, Payne dissenting).

C. 264 Dolores St.

Landlord petitioned for approval of a capital improvement pass-through for extensive work done to this building. Tenant maintained in his appeal that: some of the work was neither needed or desired; portions of the work were of poor quality; certificates of completion were not obtained prior to the filing of the petition; and documentation of the landlord's labor costs was inadequate.

MSC: To deny this appeal. (Carrico/Alviar: 4-1; Marshall dissenting).

D. 3638 Lawton St., #6

Tenant was granted a rent reduction after having taken on payment of her water bills due to a turn-off notice from the San Francisco Water Department. Tenant's lease specified other utilities to be paid but was silent on the issue of water. Landlord maintained in her appeal that tenant had been told payment of water bills was her responsibility at time of initial occupancy and submitted evidence that other tenants in the building pay their own water bills.

MSC: To deny this appeal. (Marshall/Carrico: 5-0).

E. 1900 Vallejo St.

Landlord petitioned for rent increases based on capital improvements and increased operating expenses. The issues raised by tenants' petitions were resolved through conciliation. Tenants' appeal was limited to the issue of debt service only, primarily because the landlord has a variable rate mortgage and prospective debt service was allowed by the Hearing Officer.

MSF: To remand this case to the same Hearing Officer with instructions not to consider prospective debt service because of the existence of a variable rate mortgage. (Marshall/Chan: 1-4; Alviar, Carrico, Chan, Payne dissenting).



MSC: To deny this appeal. (Carrico/Alviar: 4-1; Marshall dissenting).

V. Communications

The Board received the following communications:

- A. A letter from the landlord at 784-8 Dolores Street regarding the consideration of his appeal at the November 5th Board meeting.
- B. A letter from the landlords at 1600 Clement Street requesting that their appeal hearing, scheduled for November 19, 1985, be postponed.

MSC: To grant the landlords' postponement request. (Alviar/Marshall: 5-0).

VI. Director's Report

- A. The Executive Director presented the workload statistics for the month of October.
- B. The Director discussed the budget cut backs recommended by the Budget Analyst and informed the Board that the Finance Committee will be meeting regarding these on November 13, at 2:00 p.m.
- C. Executive Director Hernandez reported that he and staff member Pedro Ruiz spoke to approximately 500 seniors at the First Congregational Church. A Rent Board staff member will be returning monthly to provide counseling.
- D. Mr. Hernandez reported that the test for Deputy Director had been given and a Civil Service list for this position will issue shortly.

VII. Old Business

- A. A letter was received requesting clarification of the definition of "improvements" under San Francisco Municipal Code Section 1341(c). Staff will draft a response.
- B. A lengthy discussion was held on a possible Rules change regarding rent increases for revolving room-mates. The City Attorney will be asked to advise the Board on this issue.

VIII. Calendar Items

November 19, 1985

3 appeal considerations





November 26, 1985

3 appeal considerations

December 3, 1985

1 appeal hearing: 1425 Taylor Street

IX. Adjournment

Vice-President Payne adjourned the meeting at 7:35 p.m.

11/14/85:ap





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11/19/85

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
November 19, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

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- I. Call to Order
- II Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 44 B Rausch St. [G36-3(A)]
  - B. 581 14th Ave., #10 [G36-5(A)]
  - C. 250 Taylor St., #66 [G36-6(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- VIII. Old Business
  - Rules Changes
- IX. Appeal Hearing
- X. Calendar Items
- XI. Remarks from the Public
- XII. Adjournment

11/14/85:ap

0418A





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, November 19, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Marshall, Payne,  
Waller

Commissioners not Present: Alviar, Curran, Jackson

Staff Present: Hernandez, Wicks

Commissioner Chan appeared on the record at 5:34 p.m.

Commissioner Carrico appeared on the record at 6:05 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 12, 1985  
as written. (Payne/Marshall: 3-0).

IV. Consideration of Appeals

A. 44 - B Rausch St. [G36-3(A)]

Landlord appealed Hearing Officer's decision denying an annual rent increase because owner had included a \$12.00 increase for operating and maintenance expenses without petitioning the Rent Board. Landlord appealed because the hearing was not held within 45 days, the case was not consolidated with other tenant petitions as was requested, and the tenant's \$10.00 filing fee was refunded without owner being shown proof that the fee was paid. Owner also requested advice on subletting and overcrowding.

MSC: To uphold the Hearing Officer and deny the appeal. (Payne/Marshall: 3-0).

B. 581- 14th Ave. #10 [G36-5(A)]

Landlord appealed Hearing Officer's determination that tenant be granted a decrease in services award for landlord's failure to make improvements and repairs which tenant maintained had been agreed to in a lease negotiation. Tenant was granted a reduction equal to the amortized value of the improvements. Landlord protested that he had sold the property several months before tenant filed his petition; that he thought any liability was shifted to the new owner, and that the improvements tenant mentioned had not been promised.

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MSC: To remand the case to a new Hearing Officer for a de novo hearing, and send notices to both the current and former owner.  
(Payne/Marshall: 3-0).

C. 250 Taylor St. #66 [G36-6(A)]

Landlord appealed Hearing Officer's ruling on remand pursuant to the order of the Superior Court. Owner had refrained from imposing a 7 percent annual rent increase on the tenant's November 1983 anniversary date. In March 1984, landlord sent notice for a 7 percent increase effective May 1984. Previous Hearing Officer ruled that landlord could either impose the 7 percent amount in November 1984 as a banked amount or receive the current 4 percent in effect for the May 1984 increase. The Superior Court remanded the case on the basis that nothing in the Ordinance or Rules authorized more than one anniversary date for a given tenant continuing to occupy one unit. On remand the current Hearing Officer determined that a May 1984 increase entitled the owner to a maximum 4 percent and established a new anniversary date; or a November increase would allow a 7 percent banked amount as described in the previous decision. On appeal landlord argued that the decision on remand reinstated the position already rejected by the Superior Court.

MSC<sub>1</sub>: To excuse Commissioner Payne from consideration of the case.  
(Marshall/Chinchilla: 4-1; Commissioner Carrico dissenting).

MSC<sub>2</sub>: To accept the case at the Board level, on the issue of the anniversary date, on the record for the parties to argue the applicable law.  
(Marshall/Carrico: 3-0).

V. Communications

- A. The California State Bar communicated with the Board concerning attorney discipline.
- B. A letter from the appellant concerning the case at 581- 14th Ave. #10 was received.
- C. The appeal decision for 5513 Mission [Case G32-9(A)] was approved with two corrections.
- D. A copy of a three-day notice given to a tenant at 786 Dolores was distributed.





VI. Director's Report

- A. Executive Director Ricardo Hernandez informed the Commissioners that he would be attending a management seminar November 20 and 21, 1985.
- B. Mr. Hernandez informed the Board that Ms. Beth Moulton from ISD has come to coordinate the computer system for the office.
- C. A report was given on meetings with the Finance Committee for this year's budget and the Budget Committee for next year's finances.
- D. Eviction Unit Supervisor Alicia Wicks spoke to the Professional Property Manager's Association on Tuesday, November 19, 1985.

VII. New Business

The Commissioners were given an explanation of the documents given them for the 1425 Taylor hearing on December 3, 1985.

VIII. Calendar Items

November 26, 1985

MSC: To cancel the Board meeting for November 26, 1985, and notify all involved parties that their considerations are rescheduled for December 3, 1985. (Marshall/Payne: 4-0).

December 3, 1985

Executive Session at 5:30 p.m. (80- 7th Ave.)

4 appeal considerations

2 appeal hearings: 5:45 p.m. 1600 Clement #301, 302, 305  
6:30 p.m. 1425 Taylor St.

December 10, 1985

Executive Session [possible]

2 appeal considerations

1 appeal hearing - 6:00 p.m. 3734 Broderick St. #2

NO MEETING DECEMBER 24 AND DECEMBER 31.

IX. Adjournment

President Chinchilla adjourned the meeting at 6:20 p.m.



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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
December 3, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

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- I. Call to Order
- II Roll Call
- III. Executive Session
- IV. Approval of the Minutes
- V. Consideration of Appeals

- A. 3475- 16th St. #4 [G36-10(A)]
- B. 720- 2nd Ave. #304 [G36-7(A)]
- C. 18 Tioga Ave. [G36-8(A)]
- D. 207-209 Webster St. [G36-9(A)]

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- X. Appeal Hearing

5 p.m.

- 1. 1600 Clement St. #301, 302, 305 (orig. cons. 11/5/85)  
[G34-38(A)]

0 p.m.

- 2. 1425 Taylor St. - (orig. cons. 10/15/85) [G32-37(A) to  
G34-19(A)]

- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

11/23/85:ap



## Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, December 3, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

F  
52  
2  
3/85  
I. Call to Order

Vice-President Payne called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Chan, Marshall, Payne  
Commissioners not Present: Chinchilla, Jackson, Waller  
Staff Present: Hernandez, Wicks

Commissioner Curran appeared on the record at 5:37 p.m.;  
Commissioner Alviar at 5:38 p.m.; Commissioner Carrico at 5:40  
p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 19, 1985  
as written. (Marshall/Chan: 3-0.)

IV. Consideration of Appeals

A. 3475- 16th St. #4 [F54-2(P) and G136-33(E)]

Landlord appealed Hearing Officer's ruling that resulted in  
a decrease in service award for reductions in heat,  
plumbing, and security; and a finding that the eviction  
attempt was wrongful. A series of eviction notices had been  
sent to the tenant, the latest for owner-occupancy by the  
heir to an estate still in probate. This notice was given  
approximately one month after tenant filed a petition with  
the Rent Board and had complained to the building  
inspector. Approximately two months after the notice was  
given, tenant was informed in writing that an offer had been  
made to purchase the building. Hearing Officer found that  
the eviction was retaliatory, that the heir was not yet a  
legal owner, that he could not expect to live in the  
building twelve months, and that there were comparable  
vacant units. Pursuant to the recommendation of Hearing  
Officer and staff, the Commissioners had written the  
landlord's representatives to caution them against  
proceeding with the eviction. Landlord's representative  
appealed that the repairs had been performed or were not  
necessary, that the heir should be able to move in as an  
eventual legal owner.

MSC: To uphold the Hearing Officer and deny the  
appeal. (Marshall/Chan: 3-2; Carrico and  
Payne dissenting.)

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V. Executive Session

The Commissioners went into Executive Session at 5:45 p.m. with Deputy City Attorney Andrew Schwartz at the request of the City Attorney, pursuant to Government Code 54956.9(a), to discuss the case concerning The City and County of San Francisco vs. Vida (Marin County Superior Court No. 124-616). The Commissioners voted as follows:

MSC: To dismiss the case with prejudice, with mutual releases of all claims.  
(Alviar/Carrico: 5-0.)

VI. Appeal Considerations (continued)

B. 720- 2nd Ave. [G36-7(A), G13-13(C)]

The landlord filed a petition requesting certification of capital improvements and for approval of rent increases over the guidelines. On October 1, 1985, a hearing was held and the capital improvement petitioned for was certified by the Hearing Officer. The tenant is not appealing the decision, but rather the character of the proceedings of the hearing, as follows: The Hearing Officer allowed a landlord not involved in the hearing to remain as an observer; the parties were not informed that the hearing was being taped; and the Hearing Officer seemed biased for the landlord.

MSC: To deny the appeal and uphold the Hearing Officer. (Chan/Carrico: 5-0.)

C. 18 Tioga Ave. [G36-8(A), G68-37(P)]

The tenant filed a petition alleging a substantial decrease in service, failure to do requested repair and maintenance and an illegal rent increase. Tenant had a twenty-year lease from the inception of her tenancy in 1976. Current owner purchased the building in 1984 and instituted a rent increase from \$300 to \$400 plus additional charges for water and garbage. While the owner was making improvements on the other unit, problems with the electricity and plumbing occurred. Landlord appealed Hearing Officer's determination that the rent increase imposed effective June 1, 1984, was null and void and that the tenant had sustained a substantial decrease in services.

MSW: To accept the case de novo at the Board level. (Carrico/Alviar.)

MSC: To remand the case to a new Hearing Officer for a de novo hearing. (Carrico/Alviar: 5-0.)





D. 207, 209 Webster St. [G36-9(A), G12-41(C)]

Landlord filed a petition to pass capital improvement costs for siding and deck replacement. Landlord appealed Hearing Officer's determination that the cost be distributed among three units on the grounds that the stairs and deck claimed as capital improvements do not benefit one of the units and should be passed through to only two units.

MSC: To accept the case at the Board level on the issue of whether the third unit is benefited by the improvements. (Chan/Alviar: 5-0.)

VII. Appeal Hearing

A. 1600 Clement St., #301, 302, 305 [original consideration 11/5/85.)

An appeal hearing was scheduled for this address at 5:45 p.m. and began on the record at 6:28 p.m. Appearing were tenant-appellants Constance Kent (#302), Gregory Dillon (#305), and Laura Grandin (#301). Also appearing were owners Sophie and Jeffrey Lau and their witness Nina Karaiff

Background

The three tenants had appealed the ruling of the Hearing Officer who awarded a 10 percent rent reduction for a portion of a month when problems with the sewage system resulted in no hot water, heat, or refrigeration for approximately ten days. Tenants maintained on appeal that the award was grossly inadequate and pointed to on-going problems in getting the owners to perform necessary repairs. The Commissioners voted to hear the case de novo.

Appeal Hearing

At the appeal hearing the tenants offered oral and written testimony, documents from building inspectors, and other written indications of long-term problems, the incidents in question beginning July 3, 1985, and continuing problems since the August 29, 1985 Rent Board hearing.

Tenant Grandin testified as to problems with the built-in refrigeration system's continual malfunctioning; the uninhabitability of the building for 11 days when there was no heat, hot water, and no refrigeration when sewage flooded the basement; and what she felt to be retaliatory eviction. Ms. Grandin stated that repair and maintenance problems are either not addressed in a timely manner or ignored. Tenant Dillon concurred in the above testimony and further protested that several leaks in his unit have not been attended to. Tenant Kent agreed with the statements of the other tenants and said that she could document requested repairs ignored since 1980.



Landlords testified that they had bought the building in 1973, that they inspected the property two or three times a week, and that they made repairs in a timely fashion. They maintained that they were out of town when the July incident occurred and had repairs instituted immediately upon learning of the problem. They testified that the work took two or three days, not the eleven days stated by the tenants. Owners further said this was the first occurrence of this nature. They also testified that all tenants had been encouraged to furnish their own refrigerators upon the inception of their tenancies, and that Ms. Grandin had been warned to discontinue using her unit for commercial purposes. Witness Karaiff gave testimony concerning the repair work in July. Letters from two tenants satisfied with building conditions were introduced.

After receiving all oral and written documentation the Commissioners closed the hearing at 7:38 pm. It was the consensus of the Board to render a decision at the December 10, 1985 meeting.

#### Appeal Hearing

The tenants submitted a seven factor guide for determining tenant financial hardship, including monthly income and expenses, future income and expenses, length of tenancy, and whether imposition of the increases would force a tenant to relocate. The stated intent in the Ordinance to consider hardship to tenant was also stressed. The landlords pointed to the policy of encouraging upkeep and improvement of residential buildings by allowing owners to recoup the costs of such work. They emphasized a concern that owners would not make necessary improvements if they did not receive reimbursement from their tenants.

Tenants Jim Flynn, Sondra Wren, and Norma and David Rohl explained their situations. The Rohls asked that their capital improvement pass-through be delayed for six months; the owners agreed to this delay, beginning November 1, 1985. Jim Flynn and Sondra Wren requested a delay in the imposition of the costs until their financial situations improve.

After listening to all testimony and reviewing the documentation, the Commissioners closed the hearing at 8:57 p.m. It was the consensus of the Commissioners to defer making a decision for one week.

#### VIII. Communications

- A. A copy of a letter from the city of Berkeley concerning the appearance of Executive Director Ricardo Hernandez on a KABL talk show December 5, 1985 was distributed.



- B. A letter from the landlord's representative at 3475- 16th St., #4 was received.
- C. The Commissioners were given a copy of a letter from the Public Defender's Officer thanking staff member Alicia Wicks for her participation in a recent trial.
- D. Tenant Dillion submitted a further declaration concerning the case at 1600 Clement St.

IX. New Business

- A. the Commissioners discussed a date for a Rent Board holiday party. Because everyone had full schedules before Christmas, Friday January 10 was chosen.

X. Calendar Items

December 10, 1985

2 appeal considerations  
1 appeal hearing: 3734 Broderick St. #2  
Old Business:  
Rules changes  
1600 Clement St.  
1425 Taylor St.

December 17, 1985

4 appeal considerations  
1 appeal hearing: 4291/4295- 24th St. and 805 Douglas St.  
Executive Session

December 24, 1985

No meeting

December 31, 1985

No meeting

XI. Adjournment

Vice-President Payne adjourned the meeting at 9:07 p.m.

12/5/85:ap



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Corrected

NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
December 10, 1985 at 5:30 p.m.\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- A. 960 Bay St. #9 [G36-11(A)]
- B. 2001 California St. [G36-12(A)]
- V. Communications
- VI. Director's Report
- VII. Consideration of Allegations of Wrongful Evictions
- VIII. Old Business
- Rules changes  
1600 Clement St.  
1425 Taylor St.
- IX. New Business
- X. Appeal Hearing
1. 3734 Broderick St., #2 [G32-34(A)]  
first considered 10/8/ 85]
- XI. Calendar Items
- XII. Remarks from the Public
- XIII. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION AND ARBITRATION BOARD, Tuesday, December 10, 1985 at  
5:30 p.m. at the State Building, 350 McAllister St. #1158

\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:

Carrico, Chan, Chinchilla,  
Marshall

Commissioners not Present:

Alviar, Jackson

Staff Present:

Charles, Hernandez, Ruiz

Commissioner Curran came on the record at 5:37 p.m.

Commissioner Payne came on the record at 5:41 p.m. Commissioner

Waller came on the record at 5:45 p.m.

III. Approval of the Minutes

MSC:

To approve the minutes of December 3, 1985,  
as written. (Carrico/Marshall: 4-0).

IV. Consideration of Appeals

- A. 960 Bay St., #9 [G36-11(A), originally G32-15(A) and  
F48-19(P)]

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The tenant filed a petition on May 20, 1985, alleging a decrease in service due to the transfer from steam heat paid by the landlord to electric heater paid for by tenants, and a lack of hot water for eight days. Tenant maintained that the new heaters were inadequate and that the building's wiring is insufficient to support them. Hearing Officer granted a \$200 rent reduction per month until such time as the steam heating was replaced and a one-time \$40 rent reduction for the loss of hot water for eight days.

Landlord appealed Hearing Officer's decision on August 6, 1985. The Board remanded the case to a new Hearing Officer for a new hearing. (August 27, 1985).

DECISION ON REMAND

On September 18, 1985, Hearing Officer granted a permanent \$30 rent reduction per month for decrease in services, a \$10 reduction for loss of heat for five months, and a one-time \$40 reduction for lack of hot water. Tenant appealed Hearing Officer's decision regarding the amount of rent reduction and award.



MSC: To deny the appeal. (Carrico/Curran: 4-0).

While the Hearing Officer states in his decision that the tenant is not barred from petitioning for failure to maintain and repair, if the heating deficiency is not remedied, the tenant is not foreclosed from coming back to the Rent Board to seek an adjustment in the decrease in services, if the landlord's representation of remedying the inadequacies is not acted upon.

B. 2001 California St. [G36-12(A)]

Thirty-three tenants petitioned for a reduction in rents based upon a substantial decrease in services. (August 29, 1985). Each of the tenants attached to the petition a list of general complaints common to all tenants. Because of the large disparity in rents, the Hearing Officer decided to grant percentage reductions granting tenants who have proved problems in their individual apartments greater reductions. On November 18, 1985, landlord appealed Hearing Officer's determination for the following reasons: (1) tenant-petitioners failed to meet their burden of proof under Rent Ordinance Section 37.8(b)(2)(a) and were not entitled to a rent reduction in excess of 2 percent for janitorial services; (2) one of the petitioner's tenancy began on April 15, 1985, and therefore she was not entitled to a rent reduction based upon a decrease in services; and, (3) the Hearing Officer's calculations for decrease in services do not correspond to the actual reduction made in tenants' rents.

MSC: To remand to the same Hearing Officer to look into the calculations of percentage reductions for each individual unit and the issue of the petitioner whose tenancy began on April 15, 1985. (This motion applies to units #102, 103, 203, 303, 306, 403, 601 and 604) (Marshall/Carrico: 5-0).

V. Communications

A. Confidential package regarding the authorization of payment of attorney's fees in the lawsuit of Imhoff v. City of San Francisco.

MSC: To authorize the payment of attorney's fees. (Curran/Carrico: 5-0).

B. Documents from law offices of Fisher and Hurst regarding the property located at 1425 Taylor St.



- C. Invitation to Board members from Chinatown Coalition for Better Housing to a holiday gathering on December 18, 1985.
- D. Letter from a client thanking the Eviction Unit for providing assistance in resolving his eviction case.
- E. Statistics for the Rent Board for the month of November.

V. Director's Report

- A. The Director informed the Board that he was in the midst of producing a budget for next year using 90 percent of this year's allocations.
- B. Staff has been working on the computerization of the Rent Board. Beginning January 1986, notices for the hearings will be generated by the computer.
- C. The Director received a thank you letter from KABL Radio for appearing on the station's program, "Speaking Freely."

VII. Consideration of Allegations of Wrongful Evictions

None

VII. Old Business

- A. 1425 Taylor St. (original consideration October 15, 1985; heard December 3, 1985)

On December 3, 1985, a hearing on this matter was scheduled before the Board at 6:30 p.m. and begun on the record at 7:47 p.m. Appearing were tenant-appellants Jim Flynn and Sondra Wren (#506), Norma Rohl and David Rohl (#306), and their representative Robert Harrison. Appearing for the landlords were Deiedre Moy, landlord, Emily Lee, representative and John B. Moy, attorney.

Background

Twenty-five tenants had originally appealed Hearing Officer's allowance of capital improvement costs of \$391,079.26 plus 10 percent interest for a thirty-one unit building. Tenants protested that much of the work consisted of repairs and deferred maintenance dating back to 1959 when owners purchased the structure; that tenants were not given an opportunity to inspect owner's maintenance ledgers; that some work was necessary because of prior defective work; that interest should begin accruing only when the first payments were made; and that Hearing Officer did not take sufficient notice of petitions of hardship offered by several tenants who are elderly and on fixed incomes and could not afford the monthly increase of \$144.48. Landlord



attempted to refute tenants' appeal statements, and Hearing Officer countered each allegation in her response to the appeal.

The Commissioners voted to hear the case on the limited issue of tenant hardship. Tenants claiming hardship were to submit income and expense information, and both sides were encouraged to submit briefs suggesting a standard for review of hardship.

#### Appeal Hearing

The tenants submitted a seven factor guide for determining tenant financial hardship, including monthly income and expenses, future income and expenses, length of tenancy, and whether imposition of the increases would force a tenant to relocate. The stated intent in the Ordinance to consider hardship to tenant was also stressed. The landlords pointed to the policy of encouraging upkeep and improvement of residential buildings by allowing owners to recoup the costs of such work. They emphasized a concern that owners would not make necessary improvements if they did not receive reimbursement from their tenants.

Tenants Jim Flynn, Sondra Wren, and Norma and David Rohl explained their situations. The Rohls asked that their capital improvement pass-through be delayed for six months; the owners agreed to this delay, beginning November 1, 1985. Jim Flynn and Sondra Wren requested a delay in the imposition of the costs until their financial situations improve.

After listening to all testimony and reviewing the documentation, the Commissioners closed the hearing at 8:57 p.m. It was the consensus of the Commissioners to defer making a decision until December 10, 1985.

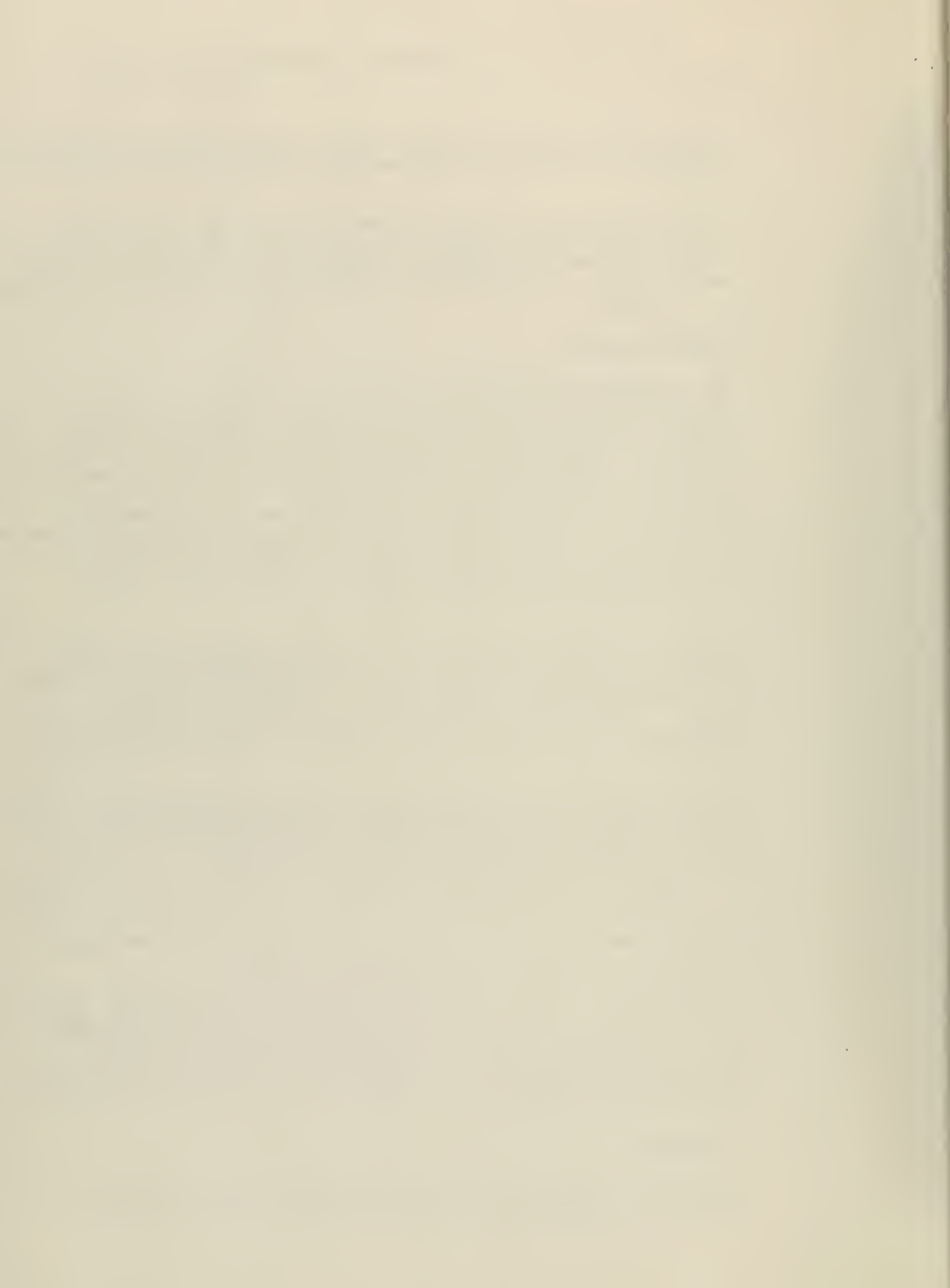
MSC: To deny this appeal. (Carrico/Curran: 5-0).

- B. 1600 Clement St., #301, 302, 305 (original consideration November 5, 1985; heard December 3, 1985)

On December 3, 1985, an appeal hearing was scheduled for this address at 5:45 p.m. and began on the record at 6:28 p.m. Appearing were tenant-appellants Constance Kent (#302), Gregory Dillon (#305), and Laura Grandin (#301). Also appearing were owners Sophie and Jeffrey Lau and their witness Nina Karaiff.

#### Background

The three tenants had appealed the ruling of the Hearing Officer who awarded a 10 percent rent reduction for a





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portion of a month when problems with the sewage system resulted in no hot water, heat, or refrigeration for approximately ten days. Tenants maintained on appeal that the award was grossly inadequate and pointed to on-going problems in getting the owners to perform necessary repairs. The Commissioners voted to hear the case de novo.

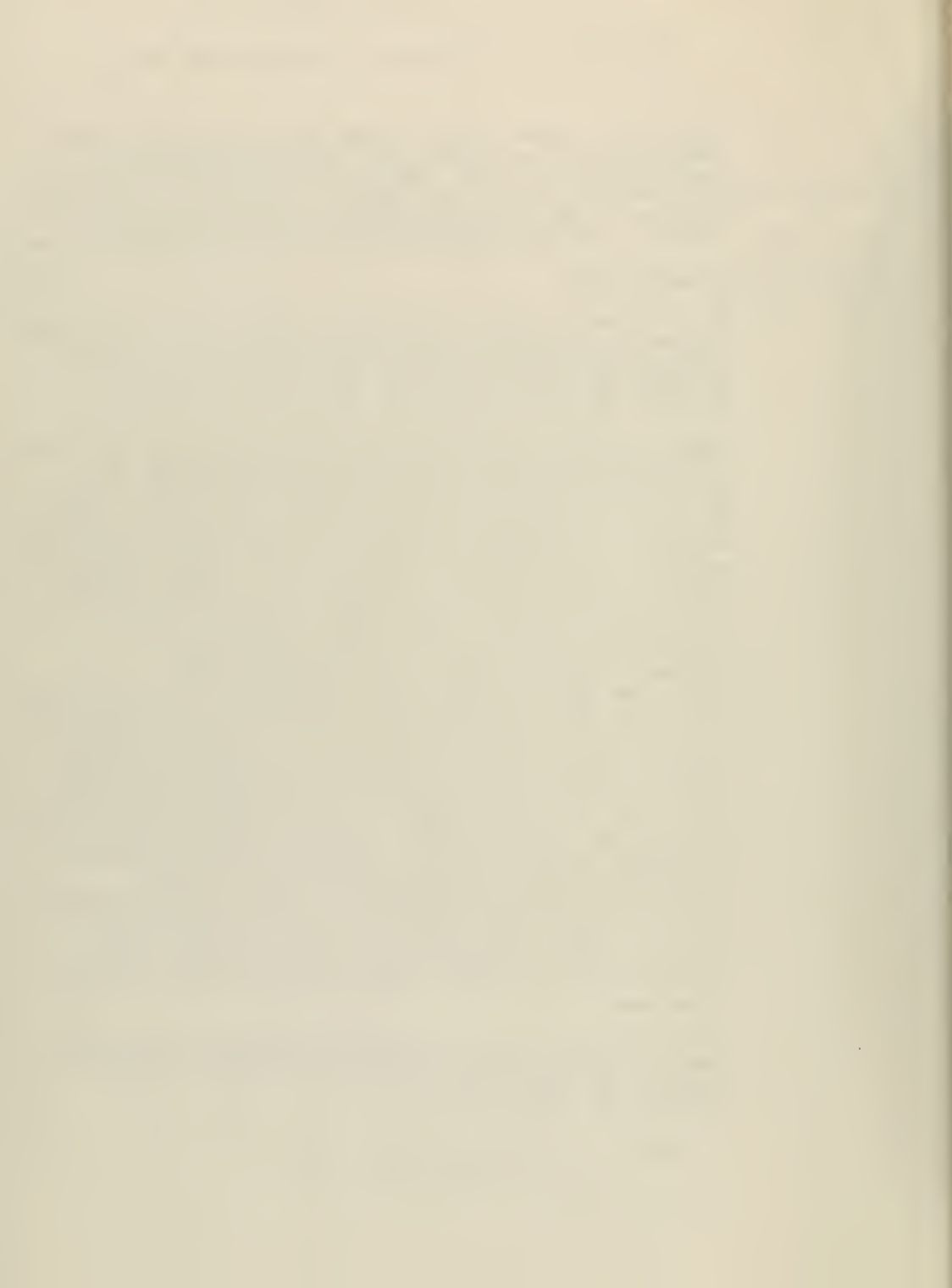
Appeal Hearing

At the appeal hearing the tenants offered oral and written testimony, documents from building inspectors, and other written indications of long-term problems, the incidents in question beginning July 3, 1985, and continuing problems since the August 29, 1985 Rent Board hearing.

Tenant Grandin testified as to problems with the built-in refrigeration system's continual malfunctioning; the uninhabitability of the building for 11 days when there was no heat, hot water, and no refrigeration when sewage flooded the basement; and what she felt to be retaliatory eviction. Ms. Grandin stated that repair and maintenance problems are either not addressed in a timely manner or ignored. Tenant Dillon concurred in the above testimony and further protested that several leaks in his unit have not been attended to. Tenant Kent agreed with the statements of the other tenants and said that she could document requested repairs ignored since 1980. Landlords testified that they had bought the building in 1973, that they inspected the property two or three times a week, and that they made repairs in a timely fashion. They maintained that they were out of town when the July incident occurred and had repairs instituted immediately upon learning of the problem. They testified that the work took two or three days, not the eleven days stated by the tenants. Owners further said this was the first occurrence of this nature. They also testified that all tenants had been encouraged to furnish their own refrigerators upon the inception of their tenancies, and that Ms. Grandin had been warned to discontinue using her unit for commercial purposes. Witness Karaiff gave testimony concerning the repair work in July. Letters from two tenants satisfied with building conditions were introduced.

After receiving all oral and written documentation the Commissioners closed the hearing at 7:38 pm. It was the consensus of the Board to render a decision at the December 10, 1985 meeting.

MSC<sup>1</sup>: To excuse Commissioner Chinchilla.  
(Curran/Carrico: 5-0).



- MSF<sup>2</sup>: To find a 60 percent reduction in rent for decrease in services for an 11-day period. (Marshall/Chan: 2-3).
- MSC<sup>3</sup>: To find a 50 percent reduction in rent for decrease in services for an 11-day period. (Marshall/Chan: 4-1; Payne dissenting).
- MSC<sup>4</sup>: To find a \$10 a month rent reduction for tenants Dillon and Grandin until landlord provides adequate refrigeration or a new refrigerator is provided, effective September 1, 1985. (Carrico/Payne: 5-0).
- MSC<sup>5</sup>: To uphold the Hearing Officer's decision regarding tenant Kent on the issue of the leaky roof, but this ruling does not preclude tenant Dillon from raising this issue at a subsequent hearing. (Marshall/Curran: 5-0).

- C. Rules changes: President Chinchilla presented Board members with a copy of a draft of the proposed rules changes for discussion at the meeting on December 17, 1985.

IX. New Business

None

X. Appeal Hearing

- A. 3734 Broderick St. [G32-34(A); considered 10/8/85]

Background

Tenant appealed Hearing Officer's determination that this building is an owner-occupied four unit building, exempt from the Rent Ordinance. There is an illegal fifth unit in the building, and the issue is whether or not this qualifies as a "rental unit" as defined in the Rent Ordinance.

This case was accepted for a de novo hearing at the Board level on October 8, 1985.

An appeal hearing was scheduled for this address at 6:00 p.m. and began on the record at this time. Appearing were Robert Sheppard, tenant representative; Pamela Rhodes and John Polando, tenant-appellants ; and Randall I. Livingston, witness for the tenant. Also appearing were Carol McDermott, witness for the landlord; Laura Swartz, landlord representative; and David Jung, attorney for landlord.



Appeal Hearing

At the appeal hearing the tenants offered oral and written testimony, document from the Building Inspection office, and other documents and photographs, to corroborate their allegations that this is a five-unit building and that this unit has been occupied by at least one relative and two other persons.

Landlord's representatives offered oral and written testimony, including photographs to substantiate their position that this is a four-unit building. Carol McDermott, landlord's granddaughter, testified that the fifth unit had never been rented, that it had always been used as a guest room for her grandmother's friends and that recently it was used as a washroom.

MSC: To declare this a five-unit building covered by the Rent Ordinance. (Marshall/Curran: 4-1; Carrico dissenting).

XI. Calendar Items

December 17, 1985

4 appeal considerations  
1 appeal hearing  
4291/4295- 24th St. and 805 Douglas St.  
Executive Session - Re: 250 Taylor St.

Old Business

Rules changes  
Henry Prien

January 7, 1986

3 appeal considerations  
1 appeal hearing  
250 Taylor Street

January 14, 1986

3 appeal considerations  
1 appeal hearing  
207-109 Webster Street

XII. Remarks from the Public

None

XIII. Adjournment

President Chinchilla adjourned the meeting at 8:50 p.m.





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NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday,  
December 17, 1985 at 5:30 p.m.

\*\*\*\*\*  
State Building, 350 McAllister St. #1158  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Executive Session
- IV. Approval of the Minutes
- V. Consideration of Appeals

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- A. 706 Buchanan St. [G36-13(A)]/692 Hayes St. [G36-14(A)]
- B. 255 Steiner St. [G36-15(A)]
- C. 737 Pine St. (9 units) [G36-16(A) to G36-24(A), originally  
considered April 30, 1985; on remand June 10, 1985]

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions

- A. Report from Staff

4 cases

- IX. Old Business
- Rules changes

- X. New Business

- XI. Appeal Hearing

90 p.m.

- 1. 4291 24th St. [G36-2(A)] 4292 24th St. [G36-2(A)]  
805 Douglas St. [G36-4(A), first cons. November 12, 1985]

- XII. Calendar Items
- XIII. Remarks from the Public
- XIV. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, December 17, 1985 at 5:30 p.m. at the State Building, 350 McAllister St. #1158  
\*\*\*\*\*

I. Call to Order

President Chinchilla called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Chinchilla, Payne, Waller  
Commissioners not Present: Alviar, Curran, Jackson  
Staff Present: Hernandez, Wicks, Wolf

Commissioner Chan arrived on the record at 5:40 p.m. and went off the record at 6:30 p.m.; Commissioner Carrico came on the record at 5:42 p.m.; Commissioner Marshall came on the record at 5:54 p.m.; Commissioner Payne went off the record at 7:30 p.m.

III. Executive Session

The Commissioners went into Executive Session at 5:35 p.m. with Deputy City Attorneys Andrew Schwartz and Katherine Pennypacker at the request of the City Attorney, pursuant to Government Code Section 54956.9(a), to discuss the cases concerning The City and County of San Francisco vs. Vida (Marin County Superior Court No. 124-616) and Imhoff v. City of San Francisco.

IV. Old Business

A. The Board discussed language for a possible Rules change regarding replacement roommates with Deputy City Attorney, Katherine Pennypacker.

V. Approval of the Minutes

MSC: To approve the Minutes of December 10, 1985, with the following corrections: page 4, 1425 Taylor Street, MSC: To deny this appeal subject to tenant Rohl's deferred payment agreement with the landlord. Tenants Flynn and Wren's appeal is denied due to its frivolous nature.; page 6 MSC<sub>2</sub> should be MSF. (Marshall/Carrico: 4-0).

VI. Consideration of Appeals

A. 737 Pine St.

Tenants appealed the certification of capital improvements and the case was remanded to a different hearing officer.



Tenants appealed the decision of the second hearing officer on the basis that: they were charged for electrical outlets that weren't installed in their units; they did not believe that rewiring was necessary to install extra sockets; they felt that the old system functioned adequately; and that the work was done to enable the installation of new appliances in vacant units, which was of no benefit to them.

MSC: To deny this appeal. (Payne/Chinchilla: 4-0).

## VII. Appeal Hearing

4291 24th St./805 Douglas St.

A hearing was scheduled for 6:00 p.m. and began on the record at 6:34 p.m. Appearing were tenant-appellants Arthur Stubbs, Elizabeth Zurlinden, Barbara Welsh, and Anne Welsh, and landlord-respondent Joyce Boulwood. All parties represented themselves.

Landlord had been granted an increase in excess of the guidelines due to increased operating expenses. Tenants appealed the decision of the hearing officer on the following grounds: that their oral and written contracts with the previous owner limited their annual increases to 5 percent and therefore no "banking" from past years nor operating expense increases in excess of 1 percent should be allowed; that a declaration regarding the previous owner's expenses is insufficient to meet the landlord's burden of proof; that the Rules and Regulations mandate that the landlord use the 24 month period prior to filing the petition rather than calendar years for comparison of expenses; and that the "anti-speculation" clause of the Ordinance should disallow a portion of the landlord's debt service.

After listening to all testimony, reviewing the documentation, and performing extensive calculations, the Board made the following motion:

MSC: To find the 5 percent cap on increases in tenants' rents in effect until the June 1985 Notice of Rent Increase, at which time the terms of the tenancies were changed; and to find that the landlord has met her burden of proving an increase in operating expenses sufficient to warrant an additional 7 percent increase in the tenants' base rents. (Marshall/Carrico: 3-0).



VIII. Consideration of Allegations of Wrongful Eviction

1. 2807-2809 Bryant St. [F116-7(E), F116-23(E)]

Both units of a two-unit building are involved in this case. On April 8, 1985, both tenants were given defective eviction notices for remodeling. The owner agreed in writing that the notice was defective and that tenants could reoccupy after the work was completed. A building permit for \$25,000 was submitted, and the owner estimated the tenants would need to vacate for 3 months. On the strength of this estimate, the tenants moved out June 1, and June 24, 1985.

In early October. the tenants requested that the Rent Board re-open the case because they had received no word about reoccupancy and they believed very little work had been done. Despite repeated requests by the Rent Board for further explanation and evidence, the owner submitted nothing. The manager tried to cooperate but had little information beyond the need for more work and a possible January 1986 completion date.

At the hearing, the owner was not present. The manager could not provide documentation of the work still needed but noted that paint, carpets, appliances, and some bathroom work (in one unit) were still to be done. She testified that work completed included back stairs, renewed electrical, new closets, and that a conversion from two bedrooms to three bedrooms (in one unit) was accomplished. There was no showing that the tenants needed to vacate or, if so needed, why they had to relocate for so long. Tenant in #2807 previously paid \$271.00; a few days before the hearing, she was offered an apartment at another of owner's buildings for \$550.00 per month. The tenant in #2809 has been paying \$249.00 per month. Both tenants have endured great hardship as a result of the relocation, one paying \$850.00 per month for temporary housing and the other has moved from one place to another for five months, living out of a suitcase.

Recommendation: It is the recommendation of the Hearing Officer and staff that the case be set for a Board hearing to determine whether further action should be taken against the owner and to help hasten the return of the tenants.

1. 157-159 Vicksburg [G128-5(E), G132-10(E)]

Two tenants in a six-unit building filed petitions protesting evictions for rehabilitation. (The four other units had already been renovated.) Owner, a realtor, had given notices in the alternative for substantial rehabilitation or capital improvements. Tenants protested



that there were no outstanding code violations on file, that the two subject units were a little old-fashioned but in good condition, and that the work contemplated by the owner (bathroom and kitchen remodeling) required only a short time for relocation. They also alleged that most of the other tenants had been "driven out" and the renovated units rented at double the subject tenants' rent. Because of the tenants' allegations and the hostile uncooperative attitude of the owner in dealings with Rent Board staff, a hearing was set. The day before the hearing the owner sent the tenants written notice of rescission of the eviction due to the fact he would be on vacation and the contractor was currently unavailable. At the hearing, owner indicated he would begin the eviction process at a later date.

Recommendation: The Hearing Officer recommended that on or before another eviction notice is given, the owner document for the tenants the need for removal, the exact work to be performed, the length of time needed for relocation and an estimate of the date, tenants could return to their units (subject to a later possible certification of substantial rehabilitation). Staff concurs with this recommendation.

3. 1433 So. Van Ness Ave. [G132-8(E)]

Tenant took up residence in early 1982. In August 1983, the rent was raised 14%. In September 1983, an eviction notice was given for repairs, recovery for family, and office use. Tenants filed with the Rent Board and a hearing was held. The Hearing Officer engineered an "agreement" that tenants would pay their original rent (foregoing the improper increase) for October through December and vacate as of January 1984.

The tenants did not move out in January 1984 but did begin to pay the increased amount; owner did not pursue the eviction. On June 5, 1985, tenants sent written request for repairs and maintenance, including repair of a wall socket that shoots sparks, replacement of defective front door lock, and replacement of a damaged closet door removed by owner months before. On July 5, 1985, an eviction notice was served on tenants including for nonpayment of June and July rent, failing to vacuum the carpet, too many occupants, cat, apartment to be occupied by owner's relatives, apartment used for babysitting. The notice did not contain an advice clause.

At the current hearing, tenant demonstrated that the rental agreement did not state the number of tenants, that no babysitting was done, there is no cat, and that the other allegations are false. The owner admitted that the rent had





in fact been properly paid and that his in-laws did not actually intend to reside on the premises. He stated that he wished these tenants to move because they "complain and are not happy."

Recommendation: Hearing Officer and staff recommend that the Board write the owner a letter cautioning him against pursuing this apparently retaliatory eviction and advising him to familiarize himself with the provisions of the Rent Ordinance.

4. 1831 Pacific Ave. #104 [G138-39(E)]

Tenants moved into their two bedroom apartment in August 1978. They are the longest tenants in the building and pay \$584, including \$75 for garbage use. On July 23, 1985, owner received title and immediately delivered an eviction notice to these tenants for owner-occupancy. At this time, owner had notice that two comparable units would be vacant during the notice period, August 1 and 15. Owner moved into one of these units on August 1. Another resident of the building switched from his former unit to the one vacated on August 15 and is paying \$950, as are other new tenants. On September 10, 1985, owner signed a declaration stating he wished to combine tenant's unit with the one next to it (in which he resides), making tenant's unit a three-bedroom apartment and landlord's current a one-bedroom apartment. A professional inspection by an architect resulted in the opinion that permits would be needed; no permits had been applied for. Owner's attorney stated that permits would not be needed since the bedroom from his unit would be added to the tenant's unit simply by shutting off a connecting door. (The new single bedroom resulting would be accessible only from the common hallway and would have no bathroom facilities.)

The landlord stated that tenants' unit is not comparable since it has a garden, garage space, and a different exposure from the other vacant units. Tenants' apartment does have a narrow wooden deck that it shares with the apartment next door, facing a six-foot cement retaining wall in front of a hillside covered with vines and weeds. Owner could use a garage space since such is rented separately. The owner stated he intends to improve the hillside.

The landlord lives alone. Tenants are a married couple with a small child and another expected in three months. The tenants are both attorneys and all parties are ably represented. The preliminary maneuverings of the initial stages of a UD action have begun in court. Tenants have filed an independent lawsuit.



Recommendation: The Hearing Officer found this case without just cause for eviction and found the owner to have violated the spirit and the letter of Ord. Sec. 37.9(a)(8). She recommended that the Board make further inquiries into this case and also consider intervening in the lawsuit. She further asked the Board to consider a policy requiring an owner to offer another available apartment to the tenants he/she displaces by preferring a unit for primarily aesthetic reasons.

Although the staff is concerned about this case, it is clear that all parties are represented by sophisticated legal representatives and will both probably pursue the case in court quite actively. It is recommended, therefore, that the Commissioners send the owner a letter stating the Board's concern about this case and that they adopt the Hearing Officer's summary of the evidence and evaluation but decline to take further action specifically, because all parties are ably represented and the matter is already in court.

MSC: To accept staff's recommendations.  
(Marshall/Chinchilla: 3-0).

IX. Appeal Considerations (continued)

B. 706 Buchanan St.

Landlord was granted an increase based on capital improvements. As an annual 4 percent rent increase had been issued without the hearing officer's knowledge, the decision mis-stated tenants' base rents. Landlord requested a Technical Correction, which was issued by the hearing officer. Tenants alleged in their appeal that: they had just been given a rent increase; they could have done the capital improvements themselves; and that they had habitability problems.

As the Commissioners only received a copy of the Technical Correction in their packets, and not the hearing officer's Decision, it was the consensus of the Board to put this case over for one week.

C. 255 Steiner St.

Tenants were awarded repayment of a null and void rent increase. Landlord was not present at the hearing and alleged that notice had been sent to an incorrect address. In his appeal, landlord maintained that the hearing officer didn't have all of the facts and that tenants should collect the overpayment from the previous owner.



MSC: To remand this case for a new hearing before  
a different hearing officer.  
(Carrico/Marshall: 3-0).

X. Communications

The Board received the following communications:

- A. The appeal decision for 1600 Clement Street, which was approved by the Board.
- B. A letter from the Executive Director to the Clerk of the Board of Supervisors in response to a tenant's inquiry regarding the status of the Rent Board's Index of Decisions.
- C. A Memorandum from the Tenants' Union regarding their new counseling policies.
- D. A letter from a landlord accompanying an article in the San Francisco/Peninsula Progress regarding rent control.

XI. Director's Report

- A. The Executive Director reported that staff members Pedro Ruiz and Delene Wolf will conduct a training session for Senior Information and Referral workers for the Department of Public Health on December 18, 1985.

XII. Old Business (continued)

- B. The Board discussed the proposed changes to the Rules and Regulations. This discussion will resume at the Board meeting of January 14, 1986, and a Public Hearing is targeted for some time in February.

XIII. Calendar Items

January 7, 1986

- 4 appeal considerations
- 1 appeal hearing: 250 Taylor St., #66

January 14, 1986

- 3 appeal considerations
- 1 appeal hearing: 207-209 Webster St.

Old Business

Henry Prien  
Rules and Regulations changes



XIV. Remarks from the Public

- A. Jim Faye, of the Tenants Union, expressed his concern at the further delay in scheduling the Public Hearing regarding changes to the Rules and Regulations.

XV. Adjournment

President Chinchilla adjourned the meeting at 10:49 p.m.

12/17/85:ap

2









